

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of the First Schedule to
the Act



MERIDIAN ENERGY LIMITED

ENV-2011-AKL-000250

AND

NORTHPOWER LIMITED

ENV-2011-AKL-000235

AND

TRANSPower NEW ZEALAND LIMITED

ENV-2011-AKL-000226

Appellants

AND

KAIPARA DISTRICT COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Acting Principal Environment Judge L J Newhook sitting alone under section 279 of the Act
IN CHAMBERS at Auckland.

CONSENT ORDER

Introduction

The Court has read and considered the appeals and the memorandum of the parties
dated 22 March 2013.



2. Transpower New Zealand Limited, The New Zealand Refining Company Limited (Trading as Refining NZ), Meridian Energy Limited, Horticulture New Zealand, Federated Farmers of New Zealand (Incorporated) and Northpower Limited have given notice of an intention to become parties to the appeals under s274, and are interested in the matters to be resolved by this consent order.
3. The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:
 - (a) All parties with an interest in these proceedings have executed the memorandum requesting this order.
 - (b) All parties with an interest in these proceedings are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

4. Therefore the Court orders, by consent, that the appeals is allowed to the extent that the Kaipara District Council is directed to amend the following sections of the Proposed Kaipara District Plan ("**the Proposed Plan**") as shown in Annexure A to this Order:
 - The Significant Issues, Objectives, Policies, Methods and Outcomes of Chapter 2;
 - Rule 10.11.1 of Chapter 10;
 - Rule 10.11.7 of Chapter 10;
 - Section 11.3 of Chapter 11;
 - Section 12.2 of Chapter 12;
 - Rule 12.10.1 of Chapter 12;
 - Rule 12.10.4 of Chapter 12;
 - Rule 12.12.1 of Chapter 12;
 - Appendix 12.1 of Chapter 12;



- Section 13.2 of Chapter 13;
- Section 14.2 of Chapter 14;
- Section 15A.2 of Chapter 15A;
- Section 15B.2 of Chapter 15B;
- Section 16.1.3 of Chapter 16;
- Definitions for 'Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area' and 'Maintenance' in Chapter 24;
- Planning map 16;
- Planning map 17;
- Planning map 21; and
- Planning map 24.

5. This consent order resolves the appeal by Northpower in its entirety, however the remainder of the appeals by Meridian and Transpower remain extant.

6. There is no order as to costs in relation to this order.

DATED at Auckland this

27th

day of

March

2013



L J Newhook
Acting Principal Environment Judge



ANNEXURE A





District Wide Resource Management Issues

Introduction / Resource Description

The Kaipara District covers a land area of 3,098 km², extending from the east to west coast of New Zealand and is located at the top of the North Island. It is one of three Councils within the Northern Region and borders the Far North and Whangarei District Councils. Kaipara's southern boundary follows the Auckland Region. The District has numerous physical and social/cultural resources which contribute to the community's social, economic and cultural wellbeing. This Chapter describes these resources and identifies the District Wide Issues and approaches that will ensure the sustainable use and management of these for both current and future generations.

This Chapter is intended to provide an overview of District Wide Issues and the general management responses that are addressed through a number of different Zones and other Chapters of the District Plan. Part A identifies the overall direction established by the District Plan and how the different Parts of the District Plan will contribute towards achieving the District Wide objectives and policies set.

This Chapter provides a review of the natural, physical and social/cultural resources of the District and the District wide issues for their management and protection



Natural and Physical Resources

Geology

Kaipara contains a variety of land types ranging from consolidated sand dunes along its coasts, numerous river valleys and hills, to extensive areas of rolling hills and steep ranges. The highest point in the District is Mt Tuhimoe in the Tuhimoe ranges which rises to 777m above sea level. Other notable features include the Tuhimoe Ranges (827m), Heato Mountain (468m), Maungaroa Bluff (455m), Brydenway Hills (430m), the Maungaroa Ranges (418m), Pukekahu Mountain (300m), Maungaroa Mountain (221m) and Tokohia Mountain (178m).

The soils in the District have been mapped by the Department of Scientific and Industrial Research (DSIR) and are shown on the NZ Land Inventory NZMS 260 Series, which record over 80 different soil types in the District. These soils form seven major groups, being 'Yellow - Brown Earths', 'Garnet soils', 'Limestone Soils', 'Yellow Brown Sands', 'Brown Loams', 'Grey Organic and Saline Soils' and 'Alluvial Soils'. In addition to soils, Kaipara has significant mineral resources, principally argillaceous limestone deposits and various sedimentary and volcanic rocks which serve as a source of aggregate for building and road construction. Aggregates and mineral resources are found in various parts of the District and are an important trade related resource.

Ecology

Ecological values in the District are based on ecological districts as summarised in protected natural area reports prepared by the Department of Conservation.

The amount of each Ecological District included within the District varies considerably. Essentially there are three Ecological Districts which have much of their area within the District (Tuhimoe, Tokohia and Ohangia), two with a moderate amount (Tangihua, Kaipara), and three with a much smaller land area (Whangarei, Waipoua and Rodney).

The Kaipara District contains extensive areas of indigenous forest, shrubland and remnant wetlands which have important ecological values. These areas are home to a unique range of plants and animals.

Coasts and Harbours
The District is endowed with an extensive and varied coastline of open beaches and enclosed estuary and harbour areas. The West Coast comprises approximately 100km of sandy beach stretching from the Waipoua River mouth to the entrance of the Kaipara Harbour. This area maintains a wilderness and high natural character values.

The East Coast has around 10km of sandy beach between Bream Tail and the Manganui Estuary. This coastal area is dominated by the Mangrove Sandspit and its adjoining estuary.

The Kaipara Harbour is one of the major features of the District. It is the largest internal waterway in New Zealand having a shoreline of around 700km, some 250km of which borders the Kaipara District. The Harbour is broken by numerous tidal flats, bays and beaches. Mangroves fringe much of the Harbour. The Harbour is renowned as an internationally and nationally important habitat for migratory and non-migratory bird species.

Water Bodies (Lakes, Rivers, Wetlands)

The land of the District is dissected by numerous rivers and streams. The most extensive is the Northern Waikato River, Northern's largest river, with a catchment of 3,850 km² running from beyond the Dileid to Kaipara Harbour. It is fed by the Mangatanihi, Waikato, Kikopuni, Tangowahine, Mangonui, Awakino and Kaiti Rivers. Other major rivers and streams include:

- Waipoua River, Waikato River and Otahere Stream;
- Waikato River, Ngatipoua and Kaiti Rivers;
- Kaiti, Awakino and Tangowahine Rivers;
- Tauraroa River, Pihikino and Tauraroa Streams;
- Onaru River and Te Awamohi Stream; and
- Matahaka, Pah, Papanui and Hakaui Rivers.

Most of the rivers have their outlets in the Kaipara Harbour. Few have outlets discharging directly onto the coast. The rivers are of considerable value to the District both for their natural values and as a physical resource. Resource values include serving as a source of water for various activities including stock watering and horticultural irrigation, as well as having a flood control function. Some are also used for fishing, boating and other recreational activities.

Numerous freshwater lakes are found along the West Coast of the District. The lakes have been formed in consolidated sand dunes of relatively recent geological origin. They are in three main localised groups – Kai Iwi, Redhill and Poubo. The major lakes in the groups are as follows:

- Kai Iwi Lakes: Kai Iwi, Taharua, Waikato and Shag;
- Redhill Lakes: Kapaia, Papanui and Waikato; and
- Poubo Lakes: Rotokuna, Rotokuna, Humuhumu, Mokoro, Rotokuna (Swan), Karoro, Kapaia, Rotokuna, Rotokuna, Rotokuna.

The lakes are considerably in size with the majority between 5ha and 35ha. Lakes Taharua is the largest covering 277ha. They are relatively shallow, most being less than 15m deep. The lakes generally have limited surface inflows or outlets and rely on direct rainfall for water input. They are prone to nutrient enrichment.

The lakes provide habitat for numerous indigenous fauna and flora species (e.g. freshwater crayfish, invertebrates and fish, the rare grass-like herb *Hydrilla heterophylla*). Trout have been introduced into the Kai Iwi lakes and are managed for recreational fishing purposes.

Kaipara District contains close to 2,000 hectares of wetlands, many of which are nationally and regionally important. In particular, these include wetland areas from Poubo through to the Ruapehu Plains, and around the Kaipara Harbour. Wetland areas provide habitats for a range of extensive and freshwater flora and fauna, including migrating waders and local resident bird species (e.g. pukeko, rails, herons, gulls, terns, snags and fernbirds).

Renewable Energy Resources

Under Section 7 of the Resource Management Act 1991, the Council must have particular regard for energy efficiency, climate change and the benefits of the use and development of renewable energy. Renewable resources in the District are potentially an important source of energy development. By way of example, the West Coast of the District offers significant wind energy resources. The District also has capacity for utilising wind, hydro energy, bio-energy and solar energy.

Social, Cultural and Economic Resources

Population

The resident population at the time of the 2006 Census was 18,132. The resident population is not expected to increase significantly over the next fifteen years. Statistics New Zealand's sub-national population estimates indicate that by 2021 the population will have increased to between 19,000 (medium projection) and 19,750 (high projection) (these figures are based on the 2003 Census counts, as at September 2005).

In addition to the resident population, Kaipara has a large non-resident population. For example, at the time of the 2006 census, of the 8,360 dwellings in the District, 25% were unoccupied (2,090). The majority of these are considered to be beach or holiday homes.

Tangata Whenua

At the time of the 2006 census the resident population who identified themselves as being of New Zealand Maori ethnicity was 3,810 or 21%.

The Maori people of the Kaipara District generally belong to two iwi or tribal groupings, being Te Hahi o Hau and Te Raukawa. Other groups include Te Kaiti, Te Pahiwhiri and Ngati Whakaue. Ngati Whakaue and Ngati Whai, all of whom have historical connections with and descendants living within the District.

Te Uri o Hui occupy the largest portion of the District. Their tāhuna or territory in which they are Tangata Whenua extends in a general sense from Auckland, around the Kaipara Harbour, to the Northern Wairoa in the vicinity of Dargaville. The Forest's tāhuna generally extends from the Northern Wairoa River, in the vicinity of Dargaville, along the coast and includes the Wairoa Forest and the Maungauhi Bluff areas. It also extends into the South Hokianga area which is part of the Far North District.

Land Use

The major land use activities in the District are farming and forestry. A number of regionally and nationally significant industries also exist within the Kaipara District such as the Maungauhi Dairy Factory, manufacturing and tourism. As we look to the next ten years and beyond, it is important that the District Plan reflects on the varying trends in land use occurring with the different communities in the District. In the Rural Heartland reflecting the trend of merging agricultural units, there is an increasing growth in lifestyle properties. The Heartland continues to see demand for opportunities to diversify rural land uses, including light industrial type activities and organic farming production. This diversification has the potential to result in conflicts for resource and land use.

While the settlements on the West Coast are currently small, Council anticipates that there will be larger farm coastal growth trends impacting on these settlements, e.g. Baylys and Galle Gully. Other trends include continuing forestry, traditional rural production and emergence of eco-tourism. Future infrastructure opportunities are also recognised, particularly in relation to wind farms and other potential renewable energy developments.

The Kaipara Harbour, over the past ten years, has seen an increasing trend from rural land uses to more intensive rural lifestyle activities and a diversification in rural land uses including increased boutique farming. A similar trend is evident around the District's second harbour – Mangawhai. Recognising the treasure or taonga of these Harbours and the compelling values of these areas (tourism, recreation, industry and lifestyle) will need to be addressed through the District Plan.

Townships and Settlements

The major centres of the District are Dargaville, Mangawhai, Maungauhi and Kaitiaki. There are a number of smaller settlements including Marakohi, Paparoa, Wairapohu, Pahi, Teopahi, Teopahi, Teopahi, Teopahi and Baylys.

The main residential and business areas are in Dargaville and Mangawhai. Dargaville is the service centre town for the western part of the District and Council anticipates there will be growth in commercial activities and business.

Mangawhai is the fastest growing area in the District, both for rural residential and holiday accommodation. The Council anticipates Mangawhai becoming the largest community in the District. On-going subdivision and development at Mangawhai (including provision of infrastructure) will need to be managed so that Mangawhai's high natural character and landscape, amenity, recreation and ecological values are maintained and enhanced.

Infrastructure and Networks

Utilities and infrastructure such as water, sewerage, stormwater drainage systems, trading network, railway lines, telecommunications and radio communications networks, electricity generation facilities and transmission and distribution networks, gas lines and the petroleum pipeline are all important infrastructure elements supporting the communities of the Kaipara District and beyond.

Community Facilities

The Council provides and maintains parks, reserves, and open spaces throughout the District as well as a range of recreation facilities in the different communities. Community facilities include playgrounds, swimming pools, camping grounds, public toilets, community libraries and cafeterias.

The Department of Conservation also manages a number of reserve areas in the District, many of which are used as recreation facilities by the District and beyond, e.g. Teoman Kauri Forest Park.

Heritage and Culture

The Kaipara District is steeped in history being one of the first settled by Maori and also the focus of early European exploration. It has an extensive range of archaeological sites principally related to early Maori occupation. Numerous pre historic, pits and middens are present along the coasts as well as some inland areas. There are also a few sites from the timber milling and gum digging areas including camps and other workings.

The District also contains a large number of historic buildings which remain from early pioneering days. Although many impressive buildings have been lost over the years, several important examples of early architectural styles are present. Nearly all the concentrated are privately owned and maintained.

Genetically Modified Organisms

The community continues to be concerned about the Central Government regulatory regime for the field release of Genetically Modified Organisms. The issue of risk and the question of liability continue to remain unanswered.

Kaipara District Council is a member of the Inter-Council Working Party on Genetic Engineering. The strength of this Working Party is its collaborative approach between the Local Council members. The Working Party agrees on a precautionary approach for the management of Genetically Modified Organisms in the environment and is concerned about the issue of risk and liability. The Working Party takes every opportunity to lobby and work with Central Government to address the issue of regulatory gaps in the Hazardous Substances and New Organisms Act 1986, and the resulting environmental, economic and liability risks which are faced by local government in respect of the field release of Genetically Modified Organisms.

The inclusion in Regional Policy Statements of a precautionary stance towards Genetically Modified Organisms is being considered by both the Northern and Auckland Regional Councils. A regional approach to this issue is considered by Kaipara District Council to be appropriate. Council will give effect to this approach on Genetically Modified Organisms within Kaipara District through the District Plan if it is included in the Northern Regional Policy Statement.

2.1.3 Kaipara's Future - Working Together

Kaipara's Future - Working Together (Long Term Plan) provides strategic directions for the future of Kaipara. To contribute to achieving these strategic directions and balancing these with sustainable management, the District Plan has taken into account the following key directions:

A Vision for the future of the Kaipara District

The Long Term Plan identifies five communities:

- West Coast - increasingly attractive to tourism and lifestyle. An area with high ecological, historical, environmental and cultural values.
- Dargaville - an attractive place to shop, visit, live and work.
- Kaipara Harbour - a town preserved for all to enjoy. Retaining a rural atmosphere. Balancing competing demands of commercial and recreational activities.
- Mangawhai - fully serviced urban centre located in an outstanding coastal environment. Kaipara's largest town.
- Rural Heartland - farming and forestry support the District's economy with an increase in rural lifestyle uses.

Community Outcomes

Community Outcomes represent what people in the Kaipara value and how they want our community to be. In 2003 Council, in partnership with other Government agencies and organisations, facilitated Kaipara - Our Future - Together. This process provided the people of Kaipara with the opportunity to have their say about the future of the District. The communities priorities are represented by the following outcomes:

2.1.4 Kaipara Community Outcomes

Sustainable Economy

Kaipara District has a diversified and sustainable economy that supports the well-being of its communities and residents.

Strong Communities

Kaipara District is built on strong communities where people have a sense of belonging and work together to shape their collective future.

Safety and Good Quality of Life

Kaipara District is a safe place to live and raise a family, where people enjoy a good quality of life.

Special Character and Healthy Environment

Kaipara District is proud of its beautiful environment and sound management of natural resources, where residents enjoy a clean, healthy environment.

These Community Outcomes have been re-confirmed by Council and the community in 2008 and 2013.

2.1.5 Links to District Plan Outcomes

Kaipara's Future - Working Together and the District Plan are the two main documents through which Council and the community can influence the District. Council and the community have agreed on the future vision for the District. These future visions are articulated in the Kaipara's Future - Working Together, by the Community Outcome Statements and in the District Plan through the Outcome Statements (refer Section 2.7). Both Outcome Statements are closely linked, as the following table shows:



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Kāpapa Community Outcomes and District Plan Outcomes			
Long Term Plan Community Outcomes – Sustainable Economy	Long Term Plan Community Outcomes – Strong Communities	Long Term Plan Community Outcomes – Safety and a Good Quality of Life	Long Term Plan Community Outcomes – Special Character and Healthy Environment
Kāpapa District has a diversified and sustainable economy that supports the well-being of its communities and residents	Kāpapa District is built on strong communities where people have a sense of belonging and work together to shape their collective future	Kāpapa District is a safe place to live and raise a family, where people enjoy a good quality of life	Kāpapa District is proud of and renowned for its beautiful environment and sound management of natural resources, where citizens enjoy a clean, healthy environment
District Plan Outcomes	District Plan Outcomes	District Plan Outcomes	District Plan Outcomes
Traditional rural production activities will occur in the 'Rural Heartland'	Managed expansion of residential settlements will occur in a manner that recognises the district and Harbour environs	Activities and development will occur in a manner that recognises the district and Harbour environs	The character (including social, environmental and natural values) of the rural area will be retained
Industrial and commercial developments occurring in locations verified by key transport infrastructure, e.g. railways and state highways, and in areas which are appropriately serviced by other infrastructure	Active partnership with Tangata Whenua in policy development and implementation and in decision making	Public access to the coast will be managed to improve opportunities for access in appropriate locations through low impact methods	The 'wholeness' aspect of the West Coast will be maintained
Economic uses in rural areas are not precluded a.k.a. working from home/home based office	The amenity, heritage, natural character and character of the District's unique communities and environments are protected, maintained and enhanced	A natural environment that is enhanced, through better management of the effects of land uses	Water quality in the Kāpapa and Mangahaua Harbours and their valued waterways will be improved through better management of the effects of land uses
A sustainable and well functioning economy that provides for the social and economic wellbeing of the community without generating adverse environmental effects.			
2.2 How to Use This Chapter of the District Plan			
This Chapter is intended to provide an overview of District Wide Issues and the general management responses that are addressed through a number of different Zones and other Chapters of the District Plan. Overall the Part A Chapters identify the directions established by the District Plan and how the different Parts of the District Plan will contribute towards achieving the District Wide objectives and policies set.			
The specific methods (e.g. Rules) to implement the objectives and policies of Chapter 2 are addressed through a number of different Zones and other Chapters (Part B (Land Use) and Part C (Rules, Heritage and Utilities)) of the District Plan. The Plan's objectives and policies are structured in a hierarchy, with overarching district-wide objectives and policies in Chapter 2 and the remainder of Part A, and either zone or area specific provisions in Parts B and C respectively. Issues, Objectives and Policies within this Chapter of this Plan are presented in no order of importance.			
While there are no Rules in this Chapter, if you are doing a Plan Change or require a Resource Consent (particularly for a larger scale activity, a Discretionary or Non-Complying Consent), Council will consider the extent to which the proposal is consistent with the objectives and policies of this Chapter (along with the rest of Part A).			
2.3 Significant Issues for the Sustainable Management and Development of the District			
2.3.1 There is a need to ensure the sustainable management of natural and physical resources while providing on-going opportunity for economic development in the District.			
The effects-based approach of the Plan is designed to minimise the level of intervention on business activity and interference only where there are other effects on natural values or sensitive areas or values of the environment such as effects on residential areas or areas of value to the community. This will encourage a wide range of activities to establish and thrive in the District. To avoid incompatible land uses and to focus development opportunities and Council resources, the Plan seeks to encourage the activities to group together, primarily in the four Growth Areas of Dargaville, Mangahaua, Kāhaka and			
2.3.2 The Council has a responsibility to take into account the Treaty of Waitangi in managing the use, development and protection of natural and physical resources.			
The overriding principle of the Treaty of Waitangi is the establishment of a partnership between Treaty parties. Recognising and understanding Māori social, spiritual and cultural values and needs is therefore an important resource management issue for the Council. The Council considers that structures and processes around partnership with Tangata Whenua are an important outcome of the planning process and in promoting sustainable management.			
2.3.3 There are a number of areas of significance to Tangata Whenua in Kāpapa. Council has the responsibility to provide for their protection.			
The District's Tangata Whenua has a special relationship to the land and environment. The District Plan needs to address this relationship by managing the effects of land uses on these areas.			
2.3.4 There is a need to protect and enhance the District's unique natural environments including the values of their ecosystems.			
Many of the District's natural features and landscapes contribute to its identity and are valued both locally and nationally. These features and landscapes contribute to the five communities of interest identified in the Long Term Plan. It is important that these values are recognised, managed and as appropriate protected to ensure that they do not suffer further degradation or are lost as a result of unsustainable land use and development.			
2.3.5 Council has a responsibility to recognise and enhance the inherent character and values of Kāpapa's natural environment and heritage. There is a need to manage development in a way which preserves long term opportunities within the District. It is also important to achieve sustainable development through a process whereby conservation and development can be mutually supportive.			
Through appropriate conservation initiatives, development has the potential to be undertaken in a manner that protects and enhances the natural and physical environment. Equally, conservation of the natural and physical environment has the potential to add value to development within the District, such as may be associated with tourism. The District Plan needs a number of outcomes to define, enhance and protect those values of the natural and physical environment that contribute to amenity, heritage, natural character and character. Council has a requirement under Part 2 (Sections 6 and 7) of the Resource Management Act to provide for these matters.			
2.3.6 There is a need to provide for a range of land use and subdivision activities and establish a framework for long term growth.			
The rural economy is derived from the natural and physical resources of the District. The on-going provision for this should enable these resources to be used responsibly without unduly undermining the ability of these resources to meet the needs of future generations.			
2.3.7 By directing residential growth to locations where the cumulative environmental effects of more intensive development can be managed the potential for reverse sensitivity effects can be avoided, a substantial part of the District remains available for rural production.			
The safe and efficient development and management of infrastructure, including transport networks, utilities, utility networks and renewable energy generation, to support growth and contribute to the social and economic wellbeing of the community.			
The provision of infrastructure is important to avoid potential adverse effects on the environment resulting from more intensive land use and development, particularly residential and business growth (e.g. the contamination of water-bodies from human effluent).			
The District Plan seeks to provide for the safe and efficient development and operation of infrastructure, including transport networks, network utilities and renewable energy generation to support the growth. It also seeks to recognise the role of infrastructure in enabling people and community to provide for their social, economic and cultural wellbeing and for their health and safety. However the Plan must also provide for the sustainable management of its infrastructure resources to avoid, remedy or mitigate any actual or potential adverse effects they will create on the environment.			
Energy efficiency, climate change and the benefits of the use and development of renewable energy are matters to which the Council must have particular regard to under Section 7 of the Resource Management Act 1991.			
Kāpapa District has the opportunity to provide for efficient generation of renewable energy through its resources (such as the wind or solar resources). The provision of infrastructure such as renewable electricity generation can result in a range of local, regional and national positive effects and benefits including greater self-reliance and sustainability. There is also significant potential to harness local renewable energy resources to improve energy efficiency.			
2.3.8 Natural Hazards have the potential to adversely impact on communities and the natural environment. Whilst some of these hazards are poorly understood, hazard risk needs to be			



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2.4.7	To provide certainty to the community by identifying those areas of the District where the effects of particular land uses are considered sustainable.	Chapter 7 and 8	Issues 2.3.6	Issue 2.3.6
2.4.8	To provide guidance on areas for long term growth and land use change while recognising the limited resources of Council.	Chapter 20	Issues 2.3.6	Issue 2.3.6
2.4.9	To enable the development and operation of utilities, utility networks and the transport network (including the state highway network) throughout the District, particularly where this is undertaken in conjunction with land use development and change, and to encourage and promote the efficient use of energy and the greater use and development of renewable energy resources whilst managing potential adverse effects.	Chapter 20	Issues 2.3.6	Issue 2.3.6
2.4.10	To take a precautionary approach to managing hazards and their potential effects on communities and the natural environment.	Chapter 12	Issues 2.3.6	Issue 2.3.6
2.4.11	To provide for the establishment, operation, development and maintenance of land for reserves and recreation activities.	Chapter 12	Issues 2.3.6	Issue 2.3.6
2.4.12	To recognise the importance of aggregate and mineral resources to the District while avoiding, remedying and mitigating potential adverse effects associated with their extraction and processing.	Chapter 12	Issues 2.3.6	Issue 2.3.6
2.4.13	To recognise and provide for the sustainable, secure and efficient transmission of electricity within and throughout the District.	Chapter 10	Issues 2.3.6	Issue 2.3.6
2.4.14	To encourage and promote the efficient use of energy and enable the greater use, development, operation and maintenance of renewable energy resources whilst minimising potential adverse effects.	Chapter 10	Issues 2.3.6	Issue 2.3.6
2.5	District Wide Policies	Chapter 10	Issues 2.3.6	Issue 2.3.6
2.5.1	By developing District Plan provisions that seek to manage the effects of activities which pose risks to sustainable environmental management, while maintaining flexibility for new activities and changes in technology The District Plan provides an effects-based management approach which seeks to enable flexibility in land use and development, allowing the community to provide for their social and economic wellbeing, while managing the effects on the existing community, land use and the environment. By providing incentives for land use and subdivision where these include environmental benefits over and above those required to avoid, remedy or mitigate adverse effects.	Chapter 10, 11 and 21	Issues 2.3.6	Issue 2.3.6
2.5.2	The District Plan seeks a 'win-win' outcome for environmental and socio-economic aspirations and encourages those activities which can demonstrate opportunities to enhance the District's environment. The District Plan endeavours to provide the opportunity to address the continued loss of character in rural communities, through population loss, by enabling further diversification of activity in those areas. By developing a strategy to address those elements of economic development that are relevant under the District Plan (particularly land use).	Chapter 10, 11 and 21	Issues 2.3.6	Issue 2.3.6
2.5.3	A Land Use and Development Strategy will be developed in the District Plan, which will include more specific methods to address those elements of the Council's economic growth and development aspirations that are relevant to resource management.	Chapter 10-16	Issues 2.3.6	Issue 2.3.6
2.5.4	By establishing a strategy for resource management with Tangata Whenua. The Resource Management Act requires the Council to take into account, throughout the implementation of its resource management strategies, the principles of the Treaty of Waitangi. A specific Chapter has been included in the District Plan to identify objectives and policies for sustainable resource management to address these matters.	Issues 2.3.1 and 2.3.12	Issues 2.3.6	Issue 2.3.6
2.5.5	By recognising the natural environments of the District to maintain and enhance their value. An Overlay Chapter is included in the District Plan to provide specific objectives, policies and methods to achieve the outcomes sought for the District's unique environments. This Chapter recognises the increased sensitivity of these areas in terms of the potential effects of land use and development on amenity values, natural character or landscape features and habitats, by decreasing the thresholds for effects of activities in these areas. The District Plan seeks to recognise the Kaipara Harbour, Mangahau and West Coast communities of interest from the Long Term Plan, as well as outcomes sought for the Kaipara Harbour and Waterways. [Group 1 – relates to Overlay (refer to Appeals Summary Page 1)]	Issues 2.3.1 and 2.3.12	Issues 2.3.6	Issue 2.3.6
2.5.6	By identifying sites, landscapes, areas and features for specific management and protection of resources and values. Part C of the District Plan provides specific management to implement appropriate protection and	Issues 2.3.6	Issues 2.3.6	Issue 2.3.6



CHAPTER 2 – DISTRICT WIDE RESOURCE MANAGEMENT ISSUES	
management of those natural and physical areas, areas and features of the District which are valued regionally or nationally for their landscape, heritage or cultural value.	and 2.4.8
By developing a Land Use Strategy for the management of land uses in a geographic context.	Objective 2.4.7
A Land Use and Development Strategy will be included in the District Plan. This Strategy will set out the method for geographically defining land uses or zoning those areas of the District, where certain effects of land uses are considered acceptable or not acceptable.	
Zoning provides a mechanism to prioritise and balance the needs of the community to provide for their economic wellbeing while appropriately addressing resource management issues associated with the effects of activities, on surrounding environments.	
This Strategy will also provide direction as to the locations Council considers appropriate for residential growth. By directing residential growth to locations where the cumulative environmental effects of more intensive development can be managed and the potential for reverse sensitivity effects can be avoided, a substantial part of the District remains available for rural production.	
By providing direction and opportunities for changes to land use to enable residential and business growth in appropriate locations.	2.5.9
Over the long years of the District Plan, Council anticipates on-going population and dwelling growth (albeit slow to moderate growth only). However, balancing the costs to the existing population with the needs of future generations, Council seeks to provide guidance on appropriate public and private initiated, mechanisms to effect land use change in the future.	Objective 2.4.5
By providing for the development and operation of network utilities and the transport network in all areas of the District where the potential adverse effects can be appropriately avoided, remedied or mitigated.	Objective 2.4.9
The District Plan seeks to provide the flexibility to enable existing infrastructure to be maintained and new infrastructure developed, in all areas of the District. The need for infrastructure to provide for the social and economic wellbeing of the community will be balanced with the requirement to ensure that it occurs in a manner that avoids, remedies or mitigates adverse effects on the environment. Transport networks and infrastructure may include footpaths, cycle ways, rail, ports, wharves, airports and roads.	
By providing for and promoting the efficient use of energy and the greater use and development of renewable energy resources in all areas of the District, where the potential adverse effects can be appropriately avoided, remedied or mitigated.	Objective 2.4.9 and 2.4.14
The District Plan seeks to recognise and promote the appropriate development of significant renewable energy resources in the District, recognising the range of positive effects and benefits this may have for the community while acknowledging that such development needs to be undertaken in a manner that avoids, remedies or mitigates adverse effects on the environment.	
By requiring land use, development and subdivision to provide adequate reserves, utilities and transport connections, of this outset of development.	Objectives 2.4.8 and 2.4.11
The District Plan provides mechanisms to require the safe and efficient development and management of open spaces and reserves commensurate with growth.	
By recognising that the nature, location and extent of hazards have the potential to change, and working with other agencies to improve understanding of hazards and risks to the community and the environment, and managing activities to minimise the potential impact of such change.	Objective 2.4.11
The District Plan seeks to take a precautionary approach to managing hazard risk, moving towards the active reduction of hazards as information becomes available.	Objective 2.4.13
By identifying transmission corridors that minimise reverse sensitivity effects generated by subdivision and land development; avoid, remedy or mitigate adverse effects on the transmission network; and protect the safety and amenity values of this community.	
The National Grid provides essential electricity to the District and beyond. Encroaching activities need to be assessed when in close proximity to the transmission lines. This is because such activities have the potential to adversely affect the National Grid's on-going operation, maintenance and upgrading and pose risks to individual and community safety and security of supply. A First Change rule is considered to be a suitable way to manage the impact of such activities on the transmission network.	
By encouraging greater investigation of potential hazards during the development and subdivision process.	2.5.14
Chapters 7 and 8 of the District Plan provide a management approach with respect to natural hazards and contaminants. Where appropriate, the Council will encourage applicants for subdivision or Resource Consent to investigate whether there are any natural or technological hazards on site. This approach provides a means for Council to better understand hazards in the District and to manage the potential adverse effects of hazards.	Objective 2.4.10
2.5.18 To enable the efficient extraction and processing of minerals and aggregates where benefits to	

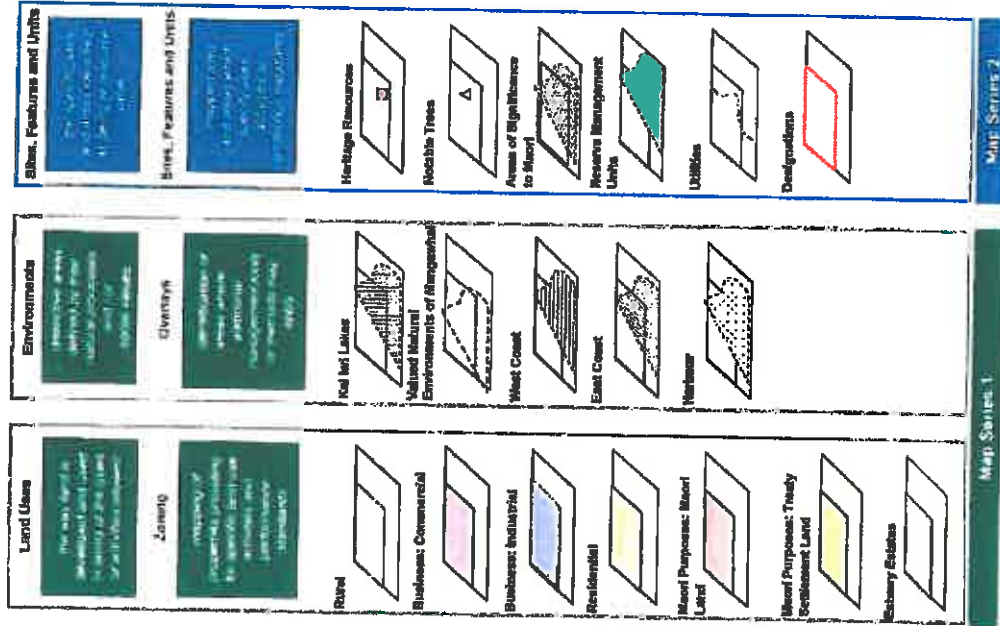


2.2.11 Energy generation from renewable resources providing for the social and economic needs of communities within and outside the District **without generating significant adverse effects on the environment.** **Issue 2.3.7**

2.2.12 The operation of aggregate and mineral extraction and processing adds to the economic and social well-being of the community in appropriate locations and is managed to minimise adverse effects on the environment. **Issue 2.3.10**

CHAPTER 2 - DISTRICT WIDE RESOURCE MANAGEMENT ISSUES

Figure 2-1 District Plan Mapping Structure
[Group 1 – relates to Overlays (refer to Appendix Summary Page 4)]



10 Network Utilities

10.1 Introduction

The Kaipara District provides for a range of important local and regional strategic assets including fuel products, electricity and telecommunications networks, natural gas and petroleum product pipelines, reticulated water, wastewater and stormwater. Network utility services provide an important physical resource for the Kaipara District while also providing for the economic and social wellbeing of the Kaipara community. A number of the network utility services are designated (refer to Chapter 21: Designations of the District Plan).

The majority of the established residential settlements within the District have access to public water and most have wastewater reticulation, while most rural areas are not currently serviced. Areas within the District that are currently served by wastewater reticulation systems include the settlements of Dargaville, Kaiwaka, Mangaturoro and Te Kopuru. These settlements currently use oxidation ponds on the edges of their respective settlements and treated effluent from these ponds is discharged onto adjacent land or waterways. Wastewater reticulation has recently been provided in Mangawhai. Conditions of the discharges are controlled under discharge permits issued by the Northland Regional Council. The wastewater systems are maintained by the Council it is also important to highlight areas identified as future Growth Areas in Part A, Chapter 3A of the District Plan. Prior to development occurring in these areas, a structure planning process is proposed to be undertaken which will, amongst other matters, establish how the area of land will provide for utilities including, electricity, telecommunications and water and wastewater reticulation.

Utilities include water, wastewater and stormwater services

10.2

Resource Management Act 1991 Requirements

Network utility services provide an important part of the overall physical resources for the Kaipara District. They are also a means of providing for the economic and social wellbeing for the Kaipara community.

The Council recognises the importance of ensuring the on-going management and protection of network utility services but it also recognises the need to manage the effects of network utilities. This is in accordance with Part 2 of the Resource Management Act 1991 and Section 5 in particular with regard to sustainable management of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

In addition to the provisions of the Resource Management Act 1991, it is also recognised that network utility operators have specific legislative rights under other legislation that expressly provides for network utility services. This includes the following Acts, which are considered separately to the District Plan process:

- Telecommunications Act 2001;
- Electricity Act 1992;
- Local Government Act 2002 (Water Services); and
- Gas Act 1992.

The Council is required to give effect to the National Policy Statement on Electricity Transmission 2008. The National Policy Statement on Electricity Transmission sets out the objectives and policies for managing the electricity transmission network under the Resource Management Act 1991.

The National Environmental Standard for Electricity Transmission Activities 2009 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 sets out the controls for an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing electricity line including the following activities of relevance to this Plan:

- A construction activity;
- An activity relating to an access track to an existing transmission line; and
- Undergrounding an existing electricity transmission line.

The National Environmental Standard for Telecommunication Facilities (2008) sets out controls for the following activities:

- Planning and operation of telecommunication facilities (such as mobile phone transmitter) that generate radiofrequency fields;
- The installation of telecommunication cabinets in the road reserve, including their size and location;
- Noise from telecommunication equipment cabinets located in the road reserve; and
- The installation or replacement of masts and aerials on existing structures in the road reserve.

The National Environmental Standard for Electricity Transmission Activities and the National Environmental Standard for Telecommunications have been cross referenced in this Chapter. It should also be noted that the Ministry for the Environment has produced user guides to assist in the interpretation of the National Environmental Standards. The National Environmental Standards and the user guides are available through the Ministry for the Environment website. Where the Plan has similar definitions to the National Environmental Standard for Electricity Transmission Activities or the National Environmental Standard for Telecommunications, the National Environmental Standard definitions will take precedence.

The National Environmental Standard for Sources of Human Drinking Water Regulations 2007 requires that Council place conditions on relevant Resource Consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water. In order to give effect to the National Environmental Standard for Human Drinking Water a note has been added to cross reference to the relevant clause of the National Environmental Standard.

10.3 Kaipara District Council Engineering Standards 2011

The Kaipara District Council Engineering Standards were updated in 2011 and reflect New Zealand engineering design standards appropriate to the Kaipara District's environment and conditions. The Standards specify the design and construction of public services and set standards for private infrastructure services to ensure a uniform minimum engineering standard is achieved throughout the District. When providing for upgraded or new infrastructure within the Kaipara District, the Standards must be considered in conjunction with the District Plan rules.

10.4 How to Use This Chapter of the District Plan

This Chapter contains Objectives, Policies, Rules, Performance Standards and Assessment Criteria relating specifically to Network Utilities. These only apply if your proposal involves Network Utilities. Provisions relating to energy use and electricity generation are contained within Chapter 2: District Wide Resource Management Issues and the Zone Based Chapters in Part B of the Plan. In any instance where the Rules in this Chapter overlap with (or duplicate) a Rule in the Zone Based Chapters, the Rules in this Chapter will take precedence. Rules in Chapter 11: Transport Network also apply to all network utilities within the road reserve.

This Chapter provides for Network Utilities

In summary, if your proposal involves Network Utilities you start by checking whether it meets the Performance Standards for a Permitted Activity (set out in Section 10.11). If it does, you don't need Resource Consent. If your proposal does not meet these standards, you will need Resource Consent to allow you to do it.

After you have considered this Chapter, you need to consider whether the proposal meets the Performance Standards and Rules of Part C (Sites, Features and Units) and the relevant Zone for your property. You may also need to consider the Rules and Performance Standards in the Transport Network Chapter 11.

If you need to prepare a Resource Consent application for network utilities Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

If the proposal is a Discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the 'status of consents'.

Reference should also be made to other relevant Chapters of the Plan, particularly their Objectives and Policies, including:

- Chapter 2: District Wide Resource Management Issues;
 - Chapter 3: Land Use and Development Strategy;
 - Chapter 4: Overlays;
 - Chapter 5: Tangata Whenua Strategy;
 - Chapter 6: Ecological Areas; and
 - Chapter 7: Natural Hazards.
- Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

10.6 Significant Issues for Network Utilities

10.6.1 Network utility services form an essential part of the District's physical resource and provide for the community's social and economic well-being. However, they also have the potential to create adverse effects on amenity values, public health and safety. Equally, development near existing utilities can give rise to reverse sensitivity effects and compromise the operation, maintenance, upgrading and development of network utilities.

The Kaipara District depends on network utilities to support its social and economic wellbeing. Network utilities can have particular technical and operational requirements that may constrain their location, layout and design. Therefore, any policy approach needs to consider the positive benefits that network utilities can provide in addition to addressing adverse environmental effects.

Adverse environmental effects can arise through the establishment or operation of network utilities. These effects include noise, odour, discharge of contaminants and radiation. This can result in public concern about potential health risks associated with radiofrequency, electric and magnetic fields and damage to natural, cultural, archaeological and landscape features. It is important for Council to provide for the sustainable management of these network utilities while avoiding, remedying or mitigating any actual or potential effects they will create on the environment through the objectives, policies and rules of the District Plan.

The visual impacts of network utilities vary depending upon the nature of the utility. Structures including electricity transmission poles and towers, cell site towers and dish antennas, can have major visual impacts. Similarly, some network utilities require larger ancillary buildings or structures. The visual impact of such facilities is increased depending on the sensitivity of the surrounding area, for example residential areas or others such as areas of landscape value are more sensitive visual environments than business areas.

Development and activities near existing network utilities can also result in adverse effects on network utilities and compromise their operation, maintenance, upgrading and development. Requiring Authorities may designate land within the District for the purposes of establishing and maintaining a network utility.

10.6 Network Utilities Objectives

10.6.1 To provide for the protection, efficient development, use, maintenance and upgrading of network utility services to meet the reasonable needs of residents and businesses throughout the District while ensuring that significant adverse effects are avoided, remedied or mitigated.

10.6.2 To recognise network utilities as a resource for the District, providing benefits for the community's social and economic well-being.

10.7 Network Utilities Policies

10.7.1 By considering the actual or potential adverse effects of proposed network utilities with respect to their location, design and operation, while taking into account the functional, technical and operational needs of network utility operations.

Network utilities are important to provide for the economic and social wellbeing of the Kaipara community, however it is important to ensure that in providing for these services the aural and visual amenity effects of these facilities are mitigated and the health and safety of the community is maintained.

10.7.2 By managing network utilities that generate electric and magnetic fields and radio frequency radiation in accordance with accepted national and international standards, guidelines and codes of practice.

Compliance with recognised international and New Zealand standards is important to ensure that network utility services do not result in any adverse health and safety effects on those located in close proximity to them.

10.7.3 By making provision for network utility services corridors (such as roads) and the co-aling of utilities, where technically and commercially practicable.

The co-location of network utility services within the road has the potential to disrupt the existing network and surrounding land uses if they are not provided for in an efficient manner. Co-location will minimise the extent of land affected by these services and will minimise adverse effects on the surrounding area associated with their construction and maintenance.

10.7.4 By ensuring that the route or site selection process, and scale and design, of new or major upgrades to network utilities and associated structures avoid, remedy or mitigate adverse effects on the amenity values of the environment in which they are located.

Network utilities and their associated structures have the potential to adversely affect the visual amenity of the District if consideration is not given to their location, scale, design, route and site selection. Consideration of these matters will ensure any adverse effects of these activities on the environment are avoided, remedied or mitigated.

10.7.5 By ensuring that where it is safe and technically, economically and environmentally practicable network utilities are placed underground. Objective 10.6.1

The location of network utilities underground enables the sustainable management of these facilities whilst avoiding, remedying or mitigating any actual or potential effects they will create on the environment.

10.8 Methods

10.8.1 District Plan Methods

10.8.1.1 Network utilities rules which provide standards governing numbers, location, scale, design of network utility equipment and associated buildings and sites.

10.8.1.2 Cross referencing to the National Environmental Standard for Electricity Transmission Activities, National Environmental Standard for Telecommunication Facilities and National Environmental Standard for Sources of Human Drinking Water.

10.8.1.3 Requiring Authorities may designate land within the District for the purposes of establishing and maintaining a network utility.

10.8.1.4 Conditions attached to Resource Consents for network utility operations which relate to the effects of the operation on amenity values.

10.8.1.5 Having regard to relevant objectives, policies and rules in other Chapters of the District Plan.

10.8.1.6 Additional controls in terms of Overlay areas on the location and appearance of network utilities in environmentally sensitive areas.

10.8.1.7 Receive financial contributions as prescribed in Chapter 22: Financial Contributions, of the District Plan.

10.8.2 Other Methods

10.8.2.1 New Zealand and International Standards, guidelines and codes of practice will be used to manage the effects of activities, particularly in relation to electric and magnetic fields and radiofrequency fields.

10.8.2.2 The coordination with other network utility operators in relation to the location of new utility services and possible effects of new development on existing facilities and services will enable integrated and environmentally acceptable provision of network utilities.

10.8.2.3 Structure planning for new Growth Areas to consider infrastructure requirements and opportunities to best utilise existing systems and facilities and the ability for Network Utility Operators to maintain and operate existing infrastructure.

10.8.2.4 Applications for subdivision, use and development of land need to consider existing network utilities and the ability for Network Utility Operators to maintain and operate existing infrastructure.

10.8.2.5 Provides Information on utility infrastructure in Council's GIS database.

10.9 Outcomes

10.9.1 The efficient and effective provision and protection of network utility operations within the District. Issue 10.5.1

10.9.2 Adverse environmental impacts of network utilities are avoided, remedied or mitigated. Issue 10.5.1

10.9.3 Structure Planning which assists to avoid adverse impacts on public works or strategic utilities. The management of reverse sensitivity effects may include future provisions to encourage greater setbacks between activities and existing infrastructure. Issue 10.5.1

10.10 Network Utilities Rules

In any instance where network utility activities are proposed or where works are within the road (road reserve), and the Rules in Chapter 10 and 11 (respectively) overlap (or duplicate) with a Rule in the other Part B Chapters, the Rules in Chapters 10 and 11 (respectively) will take precedence.

Note 1: These rules do not apply if the activity is provided for by way of designation in the District Plan.

10.10.1 Permitted Activities

A Network Utility is a Permitted Activity if:

- a) it complies with all the Performance Standards in Rule 10.11; or
- b) it complies with all the Performance Standards in Rule 10.12.

10.10.2 Restricted Discretionary Activities

The following Network Utilities activities are Restricted Discretionary Activities:

- a) Activities that do not comply with Rules 10.11.4-10.11.14 and 10.12.2.

10.10.3 Discretionary Activities

The following network utilities activities shall be a Discretionary Activity:

- a) Activities that do not comply with Rule 10.11.1 are Discretionary Activities.

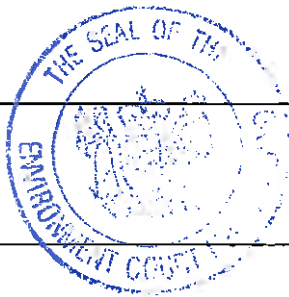
10.10.4 Non-Complying Activities

The following network utilities activities shall be a Non-Complying Activity:

- a) Activities that do not comply with Rule 10.11.2 and 10.11.3, and 10.12.1 are Non-Complying Activities.

10.11 Network Utility Performance Standards (excluding telecommunications facilities in the road reserve refer to Section 10.12)

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.1	Limits for Network Utilities	(1) Any Network Utility (excluding telecommunication facilities and existing electricity transmission lines) in all Zones (including Overlay Areas) is a <i>Permitted Activity</i> if it meets the following: a) Electricity line up to and including 110kV; b) The storage or treatment of water or sewage less than 50m³ per day; and c) The transmission, storage or distribution of natural gas at a gauge pressure up to and including 2000 kilopascals.	Discretionary Activity	Where an activity is not permitted by this Chapter, Council will have regard to the following matters when considering an application for Resource Consent: i) The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; ii) Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; iii) Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site; iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; v) Whether and the extent to which cumulative effects will occur as a result of the proposal; vi) Whether and the extent to which visual effects will occur as a result of the proposal; vii) If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; viii) Whether and the extent to which the effects of the activity may adversely affect existing land uses and impacts on existing infrastructure in the vicinity; ix) Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements; and x) For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections. Note 1: Resource Consent applications, where applicable will include assessment of Clause 12 of the National Environmental Standard for Sources of Human Drinking Water.
10.11.2	Telecommunication facilities generating radiofrequency fields	Telecommunication facilities that are not within the road reserve are a <i>Permitted Activity</i> if: a) Radiofrequency fields comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 – Maximum Exposure Levels – 3 kHz to 300 GHz and assessed in accordance with NZS 6609.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz. Note 1: As part of monitoring undertaken pursuant to Section 35 of the Resource Management Act 1991 Council may annually request the following information from operators of facilities emitting radio frequency fields: a) Written notice of the location of the facility; and b) A report prepared by a suitably qualified radio engineer/technician or physical scientist confirming that the New Zealand Standard 6609.2 is met. If the report provided to Council under (c) above predicts that the emissions exceed 25 percent of the exposure limit set for the general public in the New Zealand Standard 6609.2, the Council may commission a report from the National Radiation Laboratory or other appropriately qualified person/organisation to determine compliance with the New Zealand Standard 6609.2.	Non-Complying Activity	The Council will have regard to the Objectives and Policies in Chapter 10 and, where relevant, the Objectives and Policies of the Zone Chapters. The Council will have regard to any adverse effects of the activity on the environment and proposed measures to avoid, remedy or mitigate such effects.
10.11.3	Electricity lines generating electric and magnetic fields	Electricity lines are a <i>Permitted Activity</i> if: a) Electric and magnetic fields strengths comply with the limits detailed in the International Commission for Non-Ionising Radiation Protection guidelines (1998) and World Health Organisation Monograph (No. 328, June 2007).	Non-Complying Activity	The Council will have regard to the Objectives and Policies in Chapter 10, where relevant Objectives and Policies of the Zone Chapters and proposed measures to avoid, remedy or such effects.



Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.4	Existing Utilities	The operation, <i>maintenance</i>, upgrading, relocation and removal of existing network utility lines (excluding existing transmission lines covered by the <u>National Environmental Standard for Electricity Transmission Activities - 2009</u>) - <u>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</u> is a Permitted Activity if: - The electric and magnetic fields strengths do not exceed the limits detailed in the International Commission for Non-Ionising Radiation Protection guidelines (1998) and World Health Organisation Monograph (No. 328, June 2007; and - The height of support structures (excluding earthwires, eartheads and lightning rods) is to a maximum of 15% of their existing height; and - Radiofrequency fields comply with NZS 2772: Part 1:1999 Radiofrequency Fields Part 1 - Maximum Exposure Levels - 3 kHz to 300 GHz and assessed in accordance with NZS 6809.2: 1990 Radiofrequency Radiation: Part 2: Principles and Methods of Measurement 300 kHz to 100 GHz; and - Upgrading and renewal of gas pipelines is limited to the replacement of sections of pipeline with an equivalent pipeline diameter. No more than 50 lineal metres of pipeline shall be excavated and the ground is reinstated on completion of works. Note 1: Any alteration to structures will be considered permitted if the activity complies with the rules relating to new structures. Note 2: The operation, maintenance, upgrading, relocation and removal of existing electricity transmission lines is covered by, and to be assessed (where necessary) under, the <u>National Environmental Standards for Electricity Transmission Activities - 2009</u> <u>Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009</u>.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; - Whether and the extent to which the effects of upgrading or undergrounding of electricity transmission lines may adversely affect existing land uses, and impacts on existing infrastructure in the vicinity; - Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
10.11.5	Maximum Height	- Any pole, tower, mast, aerial, panel, element or dish associated with a Network Utility is a Permitted Activity if it does not exceed the following height limits above ground: - All Zones except Business and Rural - 15m; and - Business Zone - 20m; and - Rural Zone - 18.5m. - Any aerial or dish, panel or element associated with a Network Utility is a Permitted Activity if it does not exceed the following height limit above a building: - All Zones - 3m.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
10.11.6	Maximum Diameter	- Any pole or mast associated with a Network Utility is a Permitted Activity if it does not exceed the following diameters: - All Zones - 1,350mm. - Any aerial, panel or element or dish associated with a Network Utility is Permitted Activity if it does not exceed the following diameters: - All Zones except Business - 1.2m; and - Business Zone - 2m.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
10.11.7	Separation distances	Any mast associated with a Network Utility is a Permitted Activity if it exceeds the following separation distances between individual masts: - In all Zones - 15m (except where located adjacent to two or more roads); and - In all Zones where located adjacent to two or more roads - 5m. Note 1: This rule does not apply to electricity lines or poles	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.
10.11.8	Maximum Length	Any aerial, panel, element or dish associated with a Network Utility is a Permitted Activity if it does not exceed the following length: In all Zones - 6m.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: - The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; - Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and amenity value of the locality and its community, and what means have been proposed to mitigate the impacts; - Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; - Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; - Whether and the extent to which cumulative effects will occur as a result of the proposal; - Whether and the extent to which visual effects will occur as a result of the proposal; - If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; and - For new transmission infrastructure or major upgrades of transmission infrastructure, the extent to which any adverse effects are avoided, remedied or mitigated by the route, site and method selections.

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.11.9	Maximum Area	Any <i>aerial</i> antenna or dish is <i>Permitted Activity</i> if it does not exceed the following areas: a) All Zones except Business - 1.77m ² (largest face); b) Business Zone - 9.85m ² (largest face).	Restricted Discretionary Activity	
10.11.10	Maximum Volume	(1) Any outdoor structure located above ground associated with a Network Utility (excluding electricity and telecommunication lines, poles or masts) is a <i>Permitted Activity</i> if it does not exceed the following volumes: a) All Zones except Business - 6.5m ³ . b) Business Zone - 25m ³ . (2) Structures located below ground associated with a Network Utility (excluding reticulation systems) are a <i>Permitted Activity</i> if they do not exceed the following volume: a) In all Zones - 40m ³ .	Restricted Discretionary Activity	
10.11.11	Maximum Dimension	Any outdoor structure located above ground associated with a Network Utility (excluding poles, masts, lines and support structures for lines) is a <i>Permitted Activity</i> if it does not exceed the following dimension: a) In all Zones - 3m.	Restricted Discretionary Activity	
10.11.12	Design	Any structure located above ground associated with a Network Utility is a <i>Permitted Activity</i> if it meets the following criteria: a) Is painted or supplied in a material that subject to normal weathering is a recessive colour (to integrate with the surrounding environment); b) Has a low reflectivity finish with a maximum reflectivity of 40%; and c) Is located so that it does not impede pedestrians, cyclists or motorists. Note 1: Where possible the following design guidelines should be met to minimise visual clutter: • Be integrated with existing street furniture e.g. lighting poles; and • Co-location of cabinets in the road reserve.	Restricted Discretionary Activity	
10.11.13	Landscaping	For network utilities not meeting the performance standards in Rule 10.11.10 and 10.11.11 (excluding lines and support structures for lines and above ground pipes and associated structures), landscaping shall be established to mitigate the visual effects of buildings, structures and access, to ensure they are integrated with the surrounding environment when viewed from adjoining sites and public places. a) Planting shall be provided for the purpose of screening buildings and structures taking into account the operational requirements of the structure; b) Planting shall generally include trees or shrubs with a minimum height of one metre at the time of planting, which at maturity reach a height capable of screening the building, structures and/or access; c) Planting shall be maintained or replaced to maintain a visual screen; and d) In addition to (a) to (c), for substations, a minimum 5m wide strip of amenity planting shall be provided around the outside of facilities which together comprise a substation taking into account the operational requirements of the structure.	Restricted Discretionary Activity	
10.11.14	Signs	Installing or modifying a sign associated with a network utility which identifies the structure or its owner, and/or provides safety or navigation instructions, is a <i>Permitted Activity</i> provided: a) A sign identifying the structure or its owner is restricted to a maximum area of 1m ² . b) A sign providing safety or navigation instructions and ownership details is restricted to a maximum area of 6m ² .	Restricted Discretionary Activity	Refer to the Assessment Criteria in Rule 10.11.5 (Maximum Height)

10.12 Network Utility Performance Standards for Telecommunications Facilities in the Road Reserve (for telecommunications outside the road reserve refer to 10.11)

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
10.12.1	Telecommunication facilities generating radiofrequency fields	Telecommunication facilities generating radiofrequency fields are a Permitted Activity if: a) The radiofrequency field complies with the National Environmental Standards for Telecommunication Facilities Regulations 2008.	Non-Complying Activity	Generally Non-Complying Activities are not encouraged, however if a Non-Complying Activity is proposed the proposal will be assessed against, but not restricted to, the Objectives and Policies of this District Plan and the effects of the activity on the environment .
10.12.2	Telecommunication facilities in the road reserve	Telecommunications facilities in the road reserve are a Permitted Activity if: a) The telecommunication facility meets the National Environmental Standard for Telecommunication Facilities Regulations 2008.	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: i) The ability of the proposed activity to comply with all relevant standards for the Zone it is located within; ii) Whether and the extent to which the proposed activity will have detrimental impacts on the health, safety and <i>amenity value</i> of the locality and its community, and what means have been proposed to mitigate the impacts; iii) Whether and the extent to which the proposal will impact on any natural ecosystem, cultural or archaeological site or significant landscape feature; iv) Whether in the case of any above ground Network Utility, the service could reasonably be located below ground; v) Whether and the extent to which cumulative effects will occur as a result of the proposal; vi) Whether and the extent to which visual effects will occur as a result of the proposal; vii) If located in an Overlay, the proposal is in accordance with the Objectives and Outcomes for that Overlay as set out in Chapter 4; viii) Whether and the extent to which the effects of upgrading or undergrounding of high voltage transmission lines may adversely affect existing land uses and <i>development</i> opportunities close to or beneath them, and impacts on existing infrastructure in the vicinity; and ix) Whether and the extent to which the benefits of the proposal and extent to which the upgrading or undergrounding is constrained by operational and technical requirements.

11 All Zones: The Transport Network

11.1 Resource Description

The Transport Network is an important asset for the Kaipara District, contributing to the community's social and economic well-being. The efficiency and safety of the Transport Network also impacts on the well-being of the community (health and safety). However, it also requires a large amount of resources and has the potential to cause a number of adverse effects on the environment (both in construction and operation of the network). Managing the location of activities and development relative to the Transport Network, is one way of avoiding the potential adverse effects of transportation being spread over a wide area, where mitigation is more difficult to implement and also contribute to effective use of this finite resource.

This Chapter of the Plan provides for works being undertaken in 'roads and road reserves' as defined by "Transport Infrastructure / Transport Network" in Chapter 24: Definitions. These works primarily include the construction of roads and Transport Infrastructure, which are largely undertaken by Council or the NZ Transport Agency. These rules also apply to developers who construct roads, service ways or access ways or if any works are to be undertaken within the road (or road reserve) which are to be vested in Council.



Transport Networks are an important asset to the community but have the potential to create adverse effects.

11.1.1 Roads

The Kaipara District's Transport Network is dominated by roading. The District is served by a network of roads which link it with other parts of Northland and also the Auckland region. State Highways 1, 12 and 14 are the major roads of strategic significance, and are recognised as a physical resource of national, regional and District significance. State Highway 1 runs from Auckland through Kawaka and the Brynderwyn Hills to Whangarei and further north. State Highway 12 runs from the Brynderwyn Hills to Dargaville and then north through the Kalihu Valley and Waipoua Forest to Kaitiaki. State Highway 14 connects Dargaville with Whangarei and is a major east-west route in the District. The three sections of state highway are administered by the NZ Transport Agency.

Roads within the District have been classified under a Road Hierarchy by their priority in terms of function. For example, the highest classification rate relates to major arterial routes such as the State Highways discussed above and the lowest classification includes local roads. Each classification assigns preferential use to either through traffic or local access. Roads can be classified in the following manner:

- State Highways - Roads managed by NZ Transport Agency;
- Arterial Roads - Traffic function is dominant;
- Collector Roads - Both traffic and property access functions are important;
- Local Roads - Property access is dominant with low traffic volumes and low speeds; and
- Private Ways - Short shared accesses not owned or maintained by Council, but by the owners of the properties served.

A Road Hierarchy Map is included in Part E – Maps as Appendix D.

11.1.2 Other Transport Modes

Other Modes of transport, including rail, pedestrian, cycle, air and water based transport are important (or may become important in the future) within the District. The North Auckland railway line passes through the eastern part of the District, and while at present this line only provides for freight, there is a future opportunity for passenger transport services. The provision for safe pedestrian and cycle facilities is also becoming increasingly important within the District (this is also highlighted in the Structure Planning processes set out in Chapter 3 of the Plan). Airfields are situated at Dargaville and Numea and in the case of Dargaville, this has been identified as important for future economic development in the area. The Kaipara and Whangarei Harbours have traditionally been essential facilities for the transportation of goods, as well as for commercial fishing and for recreation purposes.

11.2 Resource Management Act Requirements

The District Plan plays an important role in managing the effects of land use. The development, maintenance and environmental management of Transport Networks are vital for the sustainable use of this resource, is an important element in achieving the purposes of the Resource Management Act 1991 within the environment.

11.3 How to Use This Chapter of the District Plan

This Chapter contains Rules, Performance Standards and Assessment Criteria relating specifically to the Transport Network. These only apply if your proposal involves working in roads or road reserves or building roads and Transport Infrastructure. In any instance where the Rules in this Chapter overlap with (or duplicate) a rule in the Zone Chapters, the Rules in this Chapter will take precedence.

In summary, if your proposal involves works in roads or building roads or Transport Infrastructure, start by checking whether it meets the Performance Standards for a Permitted Activity (set out in Section 11.10). If it does, you don't need Resource Consent. If your proposal does not meet these standards, you will need Resource Consent to allow you to undertake your proposal.

After you have considered this Chapter, you need to consider whether the proposal meets the Performance Standards and Rules of the relevant Zone for your property.

How much information Council will need in considering your consent application depends on the Activity Status of your consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 11.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 11.3.5 of the District Plan for a summary of the status of consents.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz.

Reference should also be made to other relevant Chapters of the Plan, particularly their objectives and policies, including:

- Chapter 2: District Wide Resource Management Issues;
- Chapter 3: Land Use and Development Strategy;
- Chapter 4: Overlay;
- Chapter 5: Tangata Whenua Strategy;
- Chapter 6: Ecological Areas; and
- Chapter 7: Natural Hazards; and
- Chapter 10: Network Utilities.**

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

11.4 Significant Issues for the Transport Network

11.4.1

The multi-functional use of the Transport Network has the potential to impact on the safe and efficient functioning of the Transport Network.

The Transport Network is an important resource, enabling the community to meet its access, communication, and amenity needs. The Transport Network serves a number of functions and often must accommodate both through-traffic and access requirements and needs to minimise conflicts between cars, heavy vehicles, buses, cyclists and pedestrians. Road design, long term planning, and the maintenance of a road hierarchy can assist with traffic management by ensuring that a road is adequately designed to meet the needs of the vehicles and people likely to use it. The design of arterial and local roads will differ to ensure the appropriate functioning of each road type. Good design and interconnectivity within the local road network is important to maximise access, minimise vehicle trip length, and avoid unnecessary connections between local roads and the collector network. Greater connectivity within and between settlement areas also contributes positively to the functionality and amenity of these areas.

for the Performance Standards, in Section 12.10. In considering a Resource Consent Application Council will exercise its control (Controlled Activities), discretion (Discretionary Activities) or will limit its discretion to relevant Objectives and Policies (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan.

If the proposal is a Discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the status of Consents.

If you need to prepare a Resource Consent Application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

Reference should also be made to other relevant Chapters of the Plan, particularly their objectives and policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards, and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within this Chapter of the Plan are presented in no particular order of importance.

Introduction / Resource Description

The majority of the land in the District falls within the 'Rural' Zone. Kaipara's economy has historically been driven by pastoral farming and to a lesser extent horticulture and forestry. However, developments in tourism are growing in importance and there is a trend toward small mixed-use farm and residential holdings. As identified in the Long Term Plan: Kaipara's Future - Working Together, the District's rural nature, especially in the inland parts, is one of the charms rural residents are keen to preserve.

The Plan recognises that while farming activities are the defining feature of the Rural Zone, other activities are also appropriately located in the rural environment. In some cases, the rural environment is the only place where they can establish because of the particular requirements for resources and land type. The Plan therefore contemplates a range of other activities establishing in the Rural Zone where necessary, using the Resource Consent process to assess the effects of individual proposals and determine their appropriateness. This process will be used where the proposed activities are expected to generate effects beyond those generally anticipated in the zone (e.g. where the performance standards will not be met). Such activities include renewable energy generation facilities, network utilities infrastructure and mineral extraction and processing activities.

In rural communities changes related to climate, product demand trends, industry and access to markets will ensure opportunities for diversification will continue to be explored. Assessing the impact on the environment of changing land use will increase in importance. There has been a trend of decline in rural population from the merging of agricultural units. Over time these trends will need to be monitored to determine the impact on population size and industry production levels and hence demand on infrastructure.



12.2

How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in this Zone. Instead it sets 'standards' to make sure that the effects of activities are within an acceptable level for the Rural Zone (and where appropriate for the Overlay environments).

As long as the standards are met, landowners have flexibility on what activities they undertake on their property. However, if someone proposes development or activities that do not meet the standards, they will need to apply to do the work (odge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

Before you use this Chapter of the District Plan, check:

That the property for development / subdivision is located in this Zone (Map Series 1).

If the property has an environmental overlay on it (Map Series 1).

If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 12-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Rural Zone. Figure 12-2 sets out the steps you need to take if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules – and Figure 12-3).

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 12.10 in this Chapter. If you don't meet these standards your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified

Figure 12-2 in Chapter 1 provides a summary of how to use this District Plan

Chapters 3 and 4 identify the outcomes being sought in the Zones and Overlays



12 Rural Chapter [extract only]

12.1 Performance Standards Rural Land Use

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.10.1	Excavation and Fill	...	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent ... v) — Whether and the extent to which neighbouring property owners or occupiers (within 200m of the proposed activity) have been consulted and their concerns (if any) have been addressed; ... vi) The volume, area and location of the works, including temporary activities such as: - Stockpiles; - Timing of the works; - Site remediation; - The use of mobile machinery near transmission line which may put the line at risk; - Compliance with New Zealand Electrical Code of Practice 34:2001; and - Outcomes of any consultation with any relevant network operator; Transpower-New Zealand Limited. ... vi) In addition to the above, any application for Consent to undertake excavation and fill will require an Excavation and Fill Management Plan, which is to contain the following information: ... vi) A record of any consultation with any property owners or occupiers whose property is within 200m of the proposed activity; ... Note 2: Transpower-New Zealand Limited—Any relevant operator of the Electricity Transmission Network will be considered an affected party in relation to any Resource Consent applications. Note 3: Applicants will be encouraged as part of preparing a consent application under this Rule to consult with affected landowners. Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: ... v) Whether and the extent which the building and activity is compatible with the locality, particularly the rural character and amenity values and, if within an overlay, those values associated with the Overlay; areas vi) Effects on outstanding natural landscapes, ecological and heritage values of any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010); ...
12.10.4	Commercial and Industrial Buildings	(1) For Commercial or Industrial Activities in a Rural Zone Any building is a Permitted Activity if: a) The gross floor area of the building does not exceed 5,000m² or 10% of the net site area, whichever is the lesser; and b) The building is able to comply with the relevant Performance Standards of Rule 12.10; c) Where no Council wastewater system is available the On Site Treatment and Disposal systems shall be designed and constructed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"; d) Where a Council reticulated wastewater system is available the development complies with the requirements of Rule 12.15.6(1)(a)-(d) inclusive; e) Where no Council wastewater system is available the development shall comply with the requirements of Rule 12.15.6(c)-(d) inclusive. f) Where a Council reticulated wastewater disposal system is available the development shall comply with Rule 12.15.5(1)(a) and 12.16.1(3)(a)-(f) inclusive; and g) Where no Council reticulated wastewater disposal system is available the development shall comply with Rule 12.15.5(2)(a) and Rule 12.15.5(3)(a)-(f) inclusive. Note 1: Any discharge into land, air or waterbodies may require a Resource Consent from the Northland Regional Council. The Regional Water and Soil Plan for Northland contains	Restricted Discretionary Activity	Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent: ... v) Whether and the extent which the building and activity is compatible with the locality, particularly the rural character and amenity values and, if within an overlay, those values associated with the Overlay; areas vi) Effects on outstanding natural landscapes, ecological and heritage values of any site identified in the District Plan or a landscape identified in Council's Landscape Technical Report (2010); ...

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
		minimum standards for wastewater and stormwater treatment drainage and disposal and the Regional Coastal Plan controls buildings and structures in the Coastal Marine Area. Applicants should contact the Northland Regional Council to confirm whether or not a Resource Consent is required.		

12.12. Controlled Rural Subdivision

Rule	Type of Subdivision	Terms of Subdivision	Matters for Control
12.12.1	General Rural Subdivision	...	... General Subdivision ... x) Whether and the extent to which that the location and design of proposed allotment boundaries, and building areas and driveways or right-of-ways avoids potential reverse sensitivity effects conflicts between incompatible land-use activities, including the avoidance of reverse sensitivity effects conflicts with existing utilities and has regard to objectives and policies of Chapter 10;

12.15 Rural Subdivision Performance Standards

[Consequential amendments is made to other provisions in the District Plan (e.g. Chapter 13) to reflect the relevant network operator rather than Transpower as an affected party for consent applications]

Rule	Parameter	Rural Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
12.15.12	Electricity Transmission Corridor No Build Area	Subdivision is located outside the Electricity Transmission Corridor No Build Area (as shown in Appendix 12.1).	Discretionary Activity	For subdivision that is within the Electricity Transmission Corridor No Build Area or within the Electricity Transmission Corridor Assessment Area, Council will restrict at its discretion or have regard to the following additional matters when considering an application for Resource Consent under this Rule: i) The extent to which the <i>subdivision</i> design mitigates the effects on transmission lines; ii) The ability for maintenance or inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines; iii) The extent to which potential adverse effects including visual impact are mitigated (e.g. through the location of building platforms); iv) Compliance with the New Zealand Electricity Code of Practice for Electrical Safe Distances (NZECP 34:2001); and v) The outcomes of consultation with the affected utility operator. Note 1: Transpower New Zealand Limited The relevant network operator will be considered an affected party in relation to any resource consent applications. Note 2: Where an activity requires resource consent due to non-compliance with these Performance Standards, then the application need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited the relevant network operator.
12.15.13	Electricity Transmission Corridor Assessment Area	Subdivision is located outside the Electricity Transmission Corridor Assessment Area (as shown in Appendix 12.1).	Restricted Discretionary	For subdivision that is within the Electricity Transmission Corridor No Build Area or within the Electricity Transmission Corridor Assessment Area, Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent under this Rule: vi) The extent to which the <i>subdivision</i> design mitigates the effects on transmission lines; vii) The ability for maintenance or inspection of transmission lines and the minimisation of risk or injury and/or property damage from such lines; viii) The extent to which potential adverse effects including visual impact are mitigated (e.g. through the location of building platforms); ix) Compliance with the New Zealand Electricity Code of Practice for Electrical Safe Distances (NZECP 34:2001); and x) The outcomes of consultation with the affected utility operator. Note 1: Transpower New Zealand Limited The relevant network operator will be considered an affected party in relation to any resource consent applications. Note 2: Where an activity requires resource consent due to non-compliance with these Performance Standards, then the application need not be publicly notified and need not be served on any affected party other than Transpower New Zealand Limited the relevant network operator.



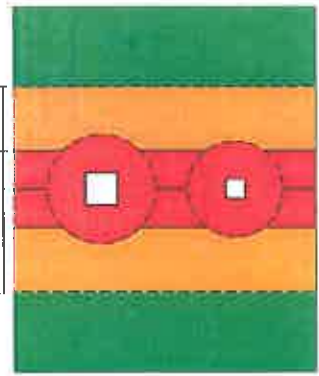
Appendix 12.1: Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area

The areas for the Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area for 50kV, 110kV and 220kV lines are as follows:

Electricity Transmission Corridor No Build Area and Assessment Area

50kV Electricity Transmission Lines

20m 8m 12m

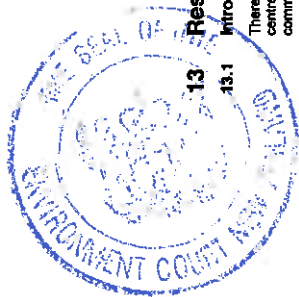


- Electricity Transmission No Build Area**
 - Measured 8m either side of a 50kV transmission; or
 - Measured 12m either side of a 110kV or 220kV transmission line.
- Electricity Transmission Assessment Area**
 - Measured 12m either side of a 50kV transmission; or
 - Measured 20m either side of a 110kV or 220kV transmission line.

110kV and 220kV Electricity Transmission Lines

32m 12m 20m

The 50kV, 110kV and 220kV electricity transmission lines are shown on Map Series 2 of the Planning Maps.



13 Residential Chapter

Introduction/Resource Description

There are a number of residential centres in the Kaipara District, with the largest of these around the centres of Dargaville, Mangawhai, Maungaturoto and Kaikohe. The residential areas are supported by commercial centres (shops and employment areas), social infrastructure (schools, libraries and other community facilities) and utility infrastructure (wastewater, water supply, electricity etc.). The Plan seeks to maintain and enhance these residential areas, recognising the physical resources that support them (in particular, the costs and limits to these resources).

In residential communities and settlement areas opportunities for continued residential growth and development are provided in this Plan. In addition, recognition is given to the need to provide for diverse but compatible activities (e.g. home occupations). Assessing the impact on the environment of this land use is important, particularly to maintain and enhance the residential amenity of these areas. It is important that the opportunities for traditional residential areas are maintained and that the amenity of these areas is protected, while enabling compatible activities to establish with their effects managed.



There are a number of small residential areas in the Kaipara District, with larger centres in Mangawhai, Dargaville and Kaikohe. This Chapter sets out how this area will be managed through the District Plan

Reference should also be made to other relevant Chapters of the Plan, particularly their Objectives and Policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

13.2

How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in this Zone. Instead it sets 'Standards' to make sure that the effects of activities are within an acceptable level for the Residential Zone (and where appropriate for the Overlay environments).

As long as the Standards are met, landowners have flexibility on what they do on their property. However, if someone proposes a development or activities that do not meet the Standards, they will need to apply to do the work (odge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

Before you use this Chapter of the District Plan, check:

That the property for development / subdivision is located in this zone (Map Series 1).

If the property has an environmental overlay on it (Map Series 1).

If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 13-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Residential Zone. Figure 13-2 sets out the steps you need to take if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules).

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Table 13.10 in this Chapter. If you don't meet these Standards your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 13.10. In considering a Resource Consent Application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity, you need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 13.5 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent Application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website, www.kaipara.govt.nz.

Chapters 3 and 4 identify the outcomes being sought in the zones and overlays

Figure 13-2 in Chapter 1 provides a summary of how to use this District Plan



Business: Commercial and Industrial Chapter

Introduction / Resource Description

This Chapter contains Rules for land identified for business purposes within the Kaipara District. The Chapter has two separate subzones – the Commercial Zone and the Industrial Zone.

The Commercial Zone incorporates the existing commercial areas of the District and provides for businesses designed to serve the business and retail needs of the community. Commercial activities are generally comprised of shops, offices and retail which are of a scale and design compatible with pedestrian streetscapes and the surrounding community and residential areas. This District Plan seeks to manage the effects of new activities in these areas, so that they are compatible with these existing activities.

Many of the commercial centres in the District have developed as business strips along main roads (the state highways) such as Kawaka, Maungaturoto, Paparoa and Ruawai. In addition, Victoria Street and Normandy Street, are key commercial areas in Dargaville. Mangawhai has developed with two commercial centres, one at the Mangawhai Village and one at Wood Street, Mangawhai Heads. A new third centre for Mangawhai is planned at Estuary Esplanade, adjacent to Molesworth Road.



Business: Commercial - Mangawhai



Business: Industrial - Maungaturoto

The Kaipara District has a strong dairy farming, agricultural and horticultural economic base. Industrial activities support this wider rural activity and are important for the community's social and economic wellbeing. These activities, generally dominate the Industrial Zone. These activities are likely to generate higher noise, odour, ground and water discharges, heavy vehicle movements and dust than other activities in the District (e.g. processing operations). Key industries in the District include the Fonterra milk processing plant at Maungaturoto, and the Silver Fern Farms meat processing plant at Dargaville.

Other growing industries include manufacturing and fabrication activity in Kaipara, particularly at Dargaville, Maungaturoto and Kaiwaka. In Mangawhai industrial activity generally supports the surrounding residential community as well as boutique primary production operations like chocolate, olives and wines.

How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in these Zones. Instead it sets 'Standards' to make sure that the effects of activities are within an acceptable level for the Business Zones (and where appropriate for the Overlay environments).

As long as the standards specified in this District Plan are met, landowners have flexibility on what they do on their property. However, if someone proposes development or activities that do not meet the standards, they will need to apply to Council for approval to do the work (i.e. they need to lodge a Resource Consent application). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

Before you use this Chapter of the District Plan, check:

That the property for development / subdivision is located in this Zone (Map Series 1).

If the property has an environmental overlay on it (Map Series 1).

If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 14-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Business Zone. Figure 14-2 below sets out the steps you need to take, if you propose to carry out a subdivision (more detail is provided on the subdivision options in the Rules).

In summary, if your proposal is for an activity (development), you start by checking whether it meets the

CHAPTER 14 - BUSINESS

Performance Standards of Section 14.10 in this Chapter. If you don't meet these standards your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 14.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 13.5 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz.

Reference should also be made to other relevant Chapters of the Plan, particularly their objectives and policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

Business Growth Outside the Business Zones

Chapter 3 Land Use and Development Strategy provides a mechanism to allow for additional business development opportunities outside of the current Business Zoning (e.g. areas currently in the Rural Zone). Four Growth Areas or communities have been identified across the District as suitable for further growth opportunities.

These areas will be subject to the development of Structure Plans which are anticipated to be progressively implemented through the current (and future) District Plan, as the demand for growth arises. As part of this process, Council anticipates a 'catchment wide' structure planning process, will be undertaken. This will address both the areas of growth and consideration of those elements of the surrounding rural environment that need to be managed, protected and enhanced to deliver the Plan's outcomes for these areas (e.g. identification and protection of Waterways).

Chapter 3 also provides the opportunity for individuals to initiate private plan changes or integrated Development subdivision applications if land owners wish to see growth commence in these identified areas before Council has progressed the Structure Plans. Each individual Growth Area outlines a clear process for proposed plan changes, outlines where/why Council might adopt a private plan change as a Council Plan Change and gives specific information on matters which applicants will need to provide for Council consideration. Any private plan change initiated in advance of a Structure Plan being prepared for a Growth Area will be tested against whether it will achieve the outcomes of the Growth Area and the wider catchment as identified in Chapter 3.

It is also noted that business development and growth can occur in residential areas through the Resource Consent process so long as effects are able to be appropriately managed.

Start of Section 14.10

Sections 14.5 and 14.6

Part A of the District Plan

Chapters 3 and 4 identify the outcomes being sought in the Zones and overlays

Figure 14-2 in Chapter 1 provides a summary of how to use this District Plan



15A Maori Purposes: Maori Land

15A.1 Introduction / Resource Description

Maori Land is land owned by Maori and administered by the Maori Land Court under Te Ture Whenua Maori Act 1993 (Maori Land Act). It is essentially land which has never passed out of Maori ownership and is often held by a particular hapu or whanau. The term Maori Land refers to both Maori Customary Land and Maori Freehold Land. Maori Customary Land is that for which the ownership has never been determined and is accordingly not held in a Title. It is vested in the Crown but held by Maori and managed according to tikanga Maori (traditional customs and laws). Maori Freehold Land is land owned by Maori people but is not Maori Land in the technical sense although it is sometimes administered by the Maori Land Court under Sections of the Maori Land Act. Transactions involving Maori Land are required to be dealt with by the Maori Land Court and the land cannot be removed from Maori ownership without the Court's approval.

Accordingly, Maori Land is administered and regulated under a separate system to land held in general Title. The unique nature of Maori Land is characterised by:

- Additional legislative requirements and controls under the Maori Land Act;
- Uncertainties in land succession;
- Multiple ownership;
- Difficulty in access;
- Cultural and spiritual values and the relationship of Maori to their ancestral land; and
- Land uses unique to the Maori culture.

Council is committed to working with others including government, Maori Land Court, Quota Value NZ, other Councils and Te Puni Kokiri to find solutions to the challenges facing Maori Land. Given the unique legislative, managerial and cultural requirements of Maori Land, a separate Zone for Maori Land has been applied in the Kaipara District. Council is committed to working with others including government, Maori Land Court, Quota Value NZ, other Councils and Te Puni Kokiri to find solutions to the challenges facing Maori Land.

Hapu and iwi consider all land within their traditional rohe to be ancestral land even though the vast majority has been progressively alienated from Maori ownership since the time of colonisation. This alienation is a major contributing factor in the position of Maori in most socio-economic statistics.

Council recognises Maori have a special relationship with their ancestral land. It is not seen in terms of its productive or commercial value alone. For Maori it is taonga tuku iho, heritage from the past for the present and future generations, establishes tribal and personal identity, is a resting place for the dead and an important source of spiritual strength.

The Kaipara District contains around 230 blocks of Maori Land. They vary in size with the largest being the 2,981 ha Poua A Block on the Poua Peninsula. The combined area of Maori Land is around 9,600ha which represents just over 3% of the total District Land Area. Although blocks of Maori Land are present across the District they tend to be concentrated in a few localities. These localities are Waipoua, Kaihu, Poua, Ounawhaka, Thorpe and Ounawhaka.



15A.2 How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in this Zone. Instead it sets 'Standards' to make sure that the effects of activities are within an acceptable level for the Maori Land Zone (and where appropriate for the Overlay environments).

As long as the Standards are met, landowners have flexibility on what activities they do on their property. For example, Maori and Papakāinga are permitted on Maori Land so long as they meet the Performance Standards for matters such as noise, density, height, access, traffic generation, earthworks etc. However, if someone proposes development or activities that do not meet the Standards, they will need to apply to do the work (odge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done.

CHAPTER 15A - MAORI PURPOSES - MAORI LAND

Before you use this Chapter of the District Plan, check:

That the property for development is located in this Zone (Map Series 1).

If the property has an environmental overlay on it (Map Series 1); and

If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 15A-1 sets out the steps you need to take if you propose to undertake an activity or development on a property in the Maori Land Zone.

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 15.10 in this Chapter. If you don't meet these Standards, your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 15A.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.5 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz.

Reference should also be made to other relevant Chapters of the Plan, particularly their Objectives and policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

15A.3 Providing for Maori Activity

Specific Maori activities anticipated in the Maori Land Zone include marae and papakāinga. These activities support the trend in recent years of the return of Maori people to their land. This trend is expected to continue.

Papakāinga is generally a cluster of homes on Maori Land and is traditionally viewed as being more than housing, rather it is a place provided to enhance whānau or hapu economic, social, cultural and environmental wellbeing.

It is expected that papakāinga will be supported by buildings, facilities or structures which enable Maori to live on their land including kaumātua housing, kohanga reo or kura, recreational facilities, whare karakia or urupa as well as small scale retail/commercial use.

It is noted that the Maori Land Court is responsible for determining applications for partition or subdivision of Maori Land under Te Ture Whenua Act 1993, accordingly, no subdivision provisions are included in the District Plan for Maori Land.

Chapters 3 and 4 identify the outcomes being sought in this Zones and Overlays

Figures 1-2 in Chapter 1 provides a summary of how to use this District Plan

Specific Maori Land uses anticipated on Maori Land include Marae and Papakāinga

Papakāinga is housing for Maori on Maori Land



15B Maori Purposes: Treaty Settlement Land

Introduction / Resource Description

This Chapter of the District Plan addresses land included as part of the recent Treaty Settlements between:

- Te Uri o Hau, Ngāi Whānau and the Crown; and
- Te Roroa and the Crown.

The Deeds of Settlement contain Crown acknowledgements of historical grievances and apologies including the following:

"The Crown has accepted that it had a duty under the Treaty of Waitangi to:

- Act in the utmost good faith toward Maori;
 - Ensure Maori retained sufficient land for sustenance and growth; and
 - Ensure European settlement occurred in an orderly fashion;
- and, that the alienation of Maori land and the operation and impact of the native land laws had a number of consequences, including:
- A significant loss of land by some Maori communities, with some becoming virtually landless;
 - The removal of a key resource, contributing to a breakdown of Maori communities and hindering their effective participation in society; and
 - Community dispersal, resulting from the fragmentation of land ownership."

(Te Uri o Hau Deed of Settlement Summary 2008)

and

"The Crown apologises to Te Roroa for past dealings that breached the Crown's obligations under the Treaty of Waitangi. These include the cession of land at Te Kopuru in 1842; Crown land purchases from 1875; the operation and impact of the native land laws; and the Crown's failure to ensure that Te Roroa retained sufficient land for their present and future needs."

(Te Roroa Deed of Settlement Summary 2008)

It is not the role of the Council to act as Treaty agents; however, the Council endorses the principles of the Treaty of Waitangi and the importance of providing for the economic and social well-being of iwi by providing a flexible approach for the use of Treaty Settlement Land.

The Treaty Settlement process includes various types of settlement redress. Settlement redress may include a Crown apology, financial and commercial redress and cultural redress. Cultural redress in the Treaty Settlement context includes a number of instruments which provide for iwi or hapu ownership, management, relationship and traditional association. Some commercial and cultural redress land is covenanted under the Resource Management Act 1977 and the Conservation Act 1987. It may also be subject to easements protecting public right of access. This Chapter focuses on land that has been returned in fee simple to iwi or hapu through either commercial or cultural redress.

The Settlement between the Crown and both Te Uri o Hau and Te Roroa, included a planning phase where items of notable value to the wider community, as well as to Tangata Whenua were covenanted and protected. As a result, the Deeds of Settlement provide a clear description of land that has been either returned or been registered with acknowledgements of the respective iwi's traditional, historical, cultural and spiritual association with places and sites owned by the Crown within their area of interest as a form of Cultural Redress. The overall objective of the Cultural Redress properties is to protect the cultural values of the land.

Compensation in the form of Commercial Redress has also been provided aimed at providing iwi with resources to assist in the development of their economic and social well-being. The intent of the settlements is for Te Uri o Hau and Te Roroa to manage and develop (and sell if they deem necessary) these redress properties as an economic base. Culturally important sites fall within some of the commercial redress properties and protection of these sites is paramount to Tangata Whenua. Equally, some of the cultural redress properties have potential for commercial development if carefully managed. For this reason, in partnership with the cultural and historical value assigned to the land, Treaty Settlement Land is considered sufficiently unique to warrant its own Zone within the Kaipara District.

During the Settlement process both the cultural and commercial redress properties were made subject to covenants designed to protect public access and features of natural and historic value. The covenants included land management requirements, protection of reserve values, protection of significant flora and fauna, protection of coastal landscapes, public access easements and esplanade easements.

CHAPTER 15B - MAORI PURPOSES - TREATY SETTLEMENT LAND

As other iwi in the District gain Treaty Settlements, the relevant provisions of these will be incorporated into the Plan by way of a change or variation to the Plan.

While Council recognises the unique resources and resource issues of Treaty Settlement Land through this Chapter of the Plan, it is also recognised that the majority of this Zone is currently used as and adjoins the Rural Zone of the District. As such, many of the aspects of the resource description from Chapter 12 are also relevant to this Chapter of the Plan. This includes those comments relating to provision of network utilities and renewable energy generation in the rural areas of the District. This is reflected in the repetition of many of the issues, Objectives, Policies and Methods from Chapter 12 in this Zone of the Plan.

15B.2 How to Use This Chapter of the District Plan

This Chapter does not specify what land uses can or cannot be done in this Zone. Instead it sets 'Standards' to make sure that the effects of activities are within an acceptable level for the Maori Purposes: Treaty Settlement Land Zone (and where appropriate for the Overlay environments).

As long as the Standards are met, landowners have flexibility on what activities they do on their property. However, if someone proposes development or activities that do not meet the Standards, they will need to apply to do the work (odge a Resource Consent). Council has an opportunity to approve or decline the Consent and to set some conditions on how the activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roading to avoid, remedy or mitigate effects on the rural environment.

Before you use this Chapter of the District Plan, check:

That the property for development is located in this Zone (Map Series 1);

If the property has an environmental overlay on it (Map Series 1); and

If the property has a special site, area, feature or management unit on it (Map Series 2) (If it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

Figure 15B-1 below sets out the steps you need to take if you propose to undertake an activity or development on a property in the Maori Purposes: Treaty Settlement Land Zone.

In summary, if your proposal is for an activity (development), you start by checking whether it meets the Performance Standards of Section 15B.10 in this Chapter. If you don't meet these Standards your proposal will need Resource Consent to allow you to do it.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to consider the matters that the District Plan has identified for the Performance Standards, in Section 15B.10. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a Discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A, and the relevant Part 2 matters of the Resource Management Act, 1991. See Section 1.3.5 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

Reference should also be made to other relevant Chapters of the Plan, particularly their Objectives and Policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlay;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; and

Chapter 7: Natural Hazards; and

Chapter 10: Network Utilities.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

Chapters 3 and 4 identify the outcomes being sought in the Zones and Overlay

Figure 15B-1 in Chapter 1 provides a summary of how to use this District Plan

Performance Standards of Section 16.8, 16.9 and 16.10 of this Chapter and the Estuary Estates Structure Plan.

How much information Council will need in considering your Consent application depends on the Activity Status of your Consent. Firstly, you will need to check the activity tables in Section 16.7 and then the Performance Standards in Section 16.8 and 16.10 of this Chapter. In considering a Resource Consent application Council will exercise its discretion (Discretionary Activities) or will limit its discretion to those matters identified (Restricted Discretionary Activities) in order to consider how the activity contributes to or is not contrary to the Objectives and Policies of the Plan. If the proposal is a discretionary or Non-Complying Activity, you will need to consider whether the proposal meets the Objectives and Policies of this Chapter and of the Plan, particularly of Part A and the relevant Part 2 matters of the Resource Management Act 1991. See Section 1.3.3 of the District Plan for a summary of the 'Status of Consents'.

If you need to prepare a Resource Consent application for your proposed development or subdivision, Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaitiaki.govt.nz.

Reference should also be made to other relevant Chapters of the Plan, particularly their Objective and Policies, including:

Chapter 2: District Wide Resource Management Issues;

Chapter 3: Land Use and Development Strategy;

Chapter 4: Overlays;

Chapter 5: Tangata Whenua Strategy;

Chapter 6: Ecological Areas; **and**

Chapter 7: Natural Hazards **and**

Chapter 10: Network Utilities

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

16.1.4 Description of the Estuary Estates Structure Plan Provisions

The zoning and roading network is shown on Map 55A in Map Series 1. All of the Estuary Estates Structure Plan Maps are provided in Appendix E of this District Plan.

This Chapter has its own set of definitions in Section 16.13 which apply specifically to the Estuary Estates Structure Plan area. Where any 'alternative' definitions are contained within Chapter 24 of the District Plan, the definitions in Section 16.13 apply. In all other cases the definitions contained within Chapter 24 of the District Plan will apply.

These Sub-Zones reflect the outcomes of the comprehensive resource management analysis of the area, which was carried out to define the capacity and identify the key elements of the natural environment that need preservation, protection and enhancement.

The Sub-Zones contained within the Estuary Estates Structure Plan area include the:

- Business 1 Sub-Zone;
- Community 2 Sub-Zone;
- Residential 3 Sub-Zone;
- Parkside Residential 4 Sub-Zone;
- Rural Cluster 5 Sub-Zone;
- Rural Residential 6 Sub-Zone; and
- Service 7 Sub-Zone.

Estuary Estates Structure Plan

The Sub-Zones shown on Map 55A in Map Series 1 do not include public roads. Each of these Sub-Zones provides for a specific mix of land use activities with corresponding Subdivision and Development Controls.

Each Sub-Zone also includes defined areas of land called the Green Network as shown on Estuary Estates Structure Plan Map 1. The Green Network areas are shown in greater detail on Estuary Estates Structure Plan Maps 1-26 including identification of particular public areas such as the Village Green in Sub-Zone 2 which will vest in and be managed by Council. The balance parts of the Green Network will be secured by a variety of methods including easements, rights of way, covenants and reserves or other methods as determined by Council at the time of development.

16 Estuary Estates

16.1 General Description

16.1.1 Description of The Estuary Estates Structure Plan

The Estuary Estates Structure Plan area is comprised of approximately 130 hectares of land located on the upper Mangawhai Harbour. It sits to the west of Molesworth Peninsula, south of the Mangawhai Heads settlement and northwest of Mangawhai Village.

The area is defined to the north by the Tara Creek estuary, which drains into the upper Mangawhai Harbour and to the west by a significant secondary wetland system, which drains to the Tara Creek. To the east the area is defined principally by Molesworth Drive as it reverses the estuarine alluvial flats between Mangawhai Village to the southwest and Molesworth Peninsula northeast of the causeway.

The south and south western boundaries of the Estuary Estates Structure Plan area are defined following the lower slopes of the hill country that rises from the estuarine alluvial flatlands, along the interface of which Old Waipou Road is partially aligned. The west and south is fringed by private properties on the adjacent alluvial flats and elevated hill country overlooking the area.

The topography within the northern and western portions of the area features gently to moderately steep hills falling from a northeast southwest trending ridge line and a similar trending elevated plateau area.

The eastern and southern portions are low lying and situated on part of a large flat alluvial terrace, which lies adjacent to the Mangawhai Estuary.

The Estuary Estates Structure Plan area is particularly significant in terms of its strategic location within an area of high development growth. Its intrinsic character and site features, particularly in terms of its location and variety and diversity of discrete environments provide a number of development opportunities that could emerge from the change of land use and management that, as its primary purpose, would seek to secure a range of positive environmental outcomes.

16.1.2 Relationship of the Mangawhai Structure Plan and the Estuary Estates Structure Plan

The Mangawhai Structure Plan is incorporated into the District Plan (refer Chapter 3B: Mangawhai Growth Area). The Estuary Estates Structure Plan Area falls within the Policy Areas 1 and 2 of the Mangawhai Structure Plan.

This Structure Plan reflects and implements the analysis and directions promoted through the Mangawhai Structure Plan. The provisions of Estuary Estates Structure Plan aim to facilitate the development of the land to reflect its important location and position as an entry point to Mangawhai Heads.

In order to reflect the directions of the Mangawhai Structure Plan and create an attractive 'gateway' to Mangawhai Heads, Chapter 16 - Estuary Estates seeks to provide for a commercial centre adjacent to Molesworth Drive to provide for future retail and service needs beyond those able to be provided for at the historical village centres. This includes provision for activities requiring larger retail buildings but limits the extent of those to preserve a rural village character. The Estuary Estates Structure Plan will also enable some mixed-use development where residential activities can merge with business type activities in close proximity to the centre. This provides for work-from-home type options as well as adding diversity to the way in which emerging needs can be catered for.

Beyond the retail/business centre which is defined by open spaces and pedestrian areas, there are nodes of residential development at varying densities complemented by different forms of rural lifestyle development, including a 'Lakeside Living' cluster and a 'Rural Lifestyle' cluster, with a resulting built environment that can meet the needs of the increasing number of residents and visitors, while reflecting the unique characteristics of its location.

The provisions of Chapter 16 and the Estuary Estates Structure Plan have precedence over the Mangawhai Structure Plan.

16.1.3 How to Use this Chapter of the District Plan

This Chapter specifies what land uses can or cannot be done in this Zone. Where someone wants an activity that is not provided for or does not meet the Standard for that activity, they will need to lodge a Resource Consent. Council has an opportunity to approve or decline the application and to set conditions on how this activity is done. This Chapter also seeks to make sure that subdivision has adequate servicing, including roads, to avoid, remedy or mitigate effects on the environment.

Before you use this Chapter of the District Plan, check:

That the property for development / subdivision is located in this Zone (Map Series 1).

If the property has a special site, area, feature or management unit on it (Map Series 2) (if it does, you need to look at the relevant Chapter for that site, area, feature or unit first).

The parameters of the Estuary Estates Structure Plan (Appendix 25E to the District Plan Maps).

In summary you need to check whether your activity is provided for and whether it meets the



Attachment B

24 Definitions

[...]

Electricity Transmission Corridor No Build Area and Electricity Transmission Corridor Assessment Area

The area of land and airspace within a distance of the centreline of an electricity transmission line, in which certain activities are restricted because of the risk that they can potentially pose to the line, themselves and public safety. The **Electricity Transmission Corridor rules apply only to those 50kV, 110kV and 220kV electricity transmission lines are shown on the Planning Maps (Map Series 2).**

[...]

Maintenance

The painting of previously painted surfaces, plumbing and/or gutting maintenance work, water washing and such similar work as is required to keep the building clean, safe and weatherproof.



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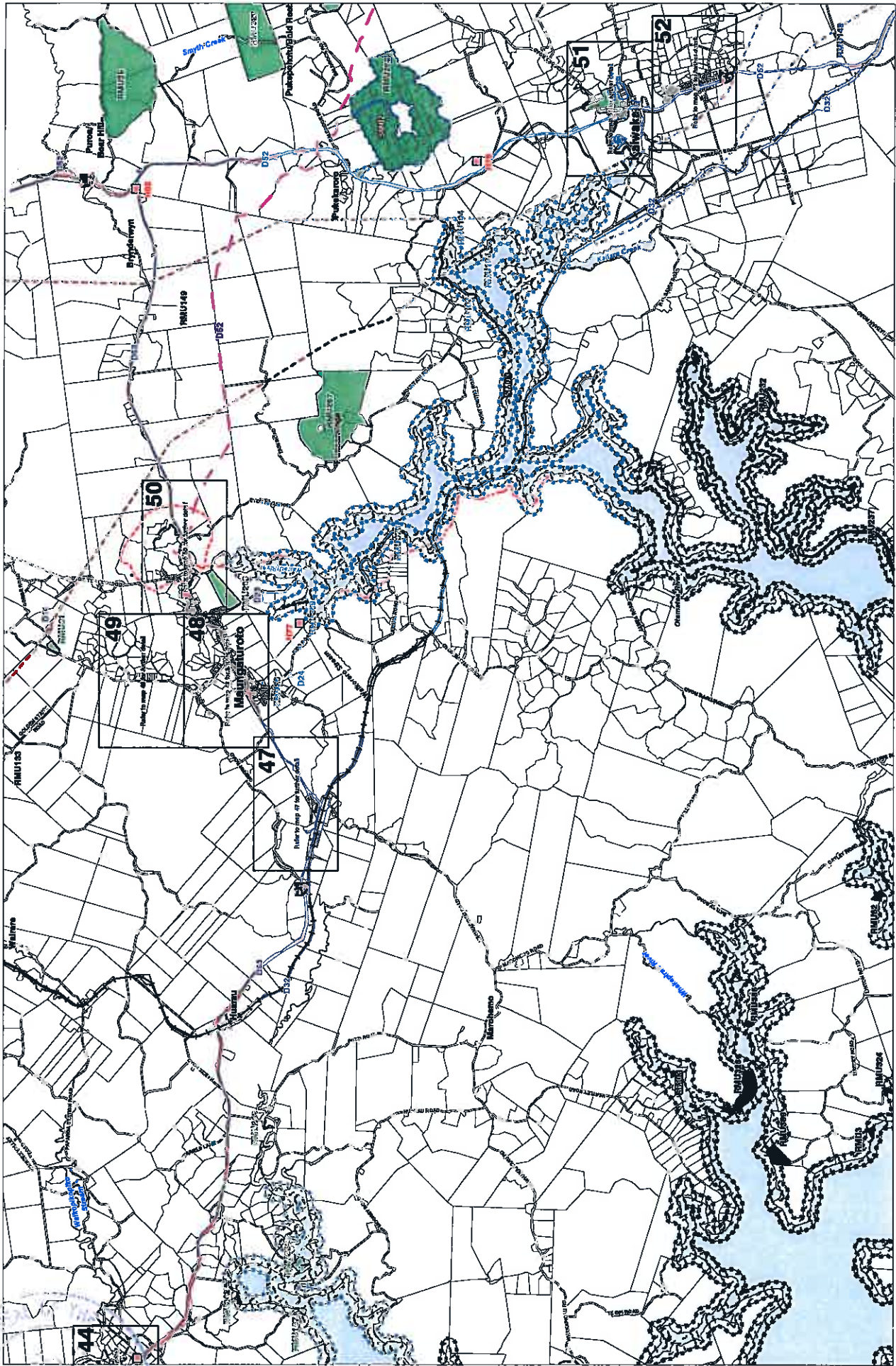


KAIPARA DISTRICT PLAN - MEDIATION VERSION - FEBRUARY 2013

Map Series Two

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KAIPARA DISTRICT

Map Series Two
Sites, Features and Units

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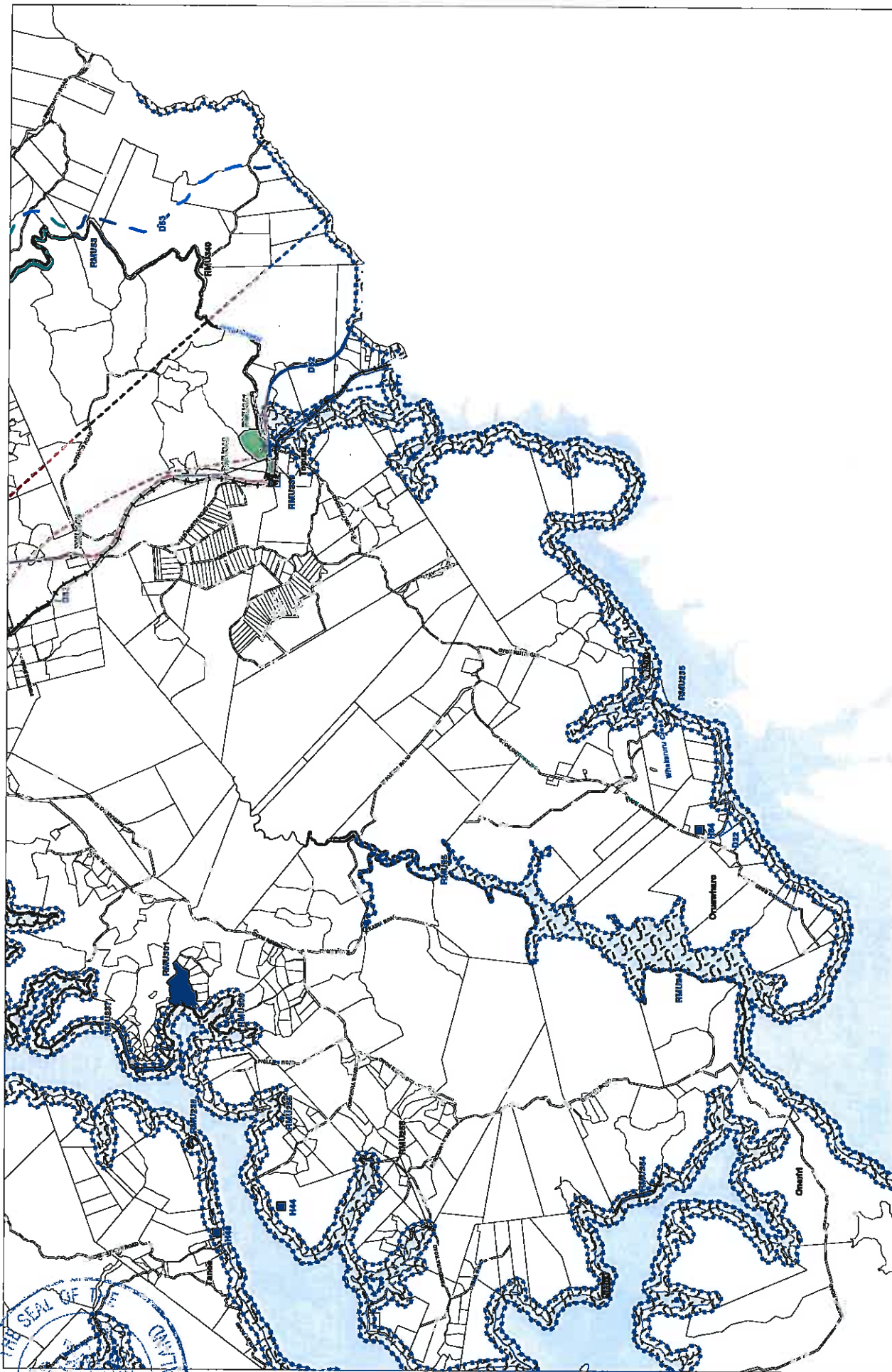


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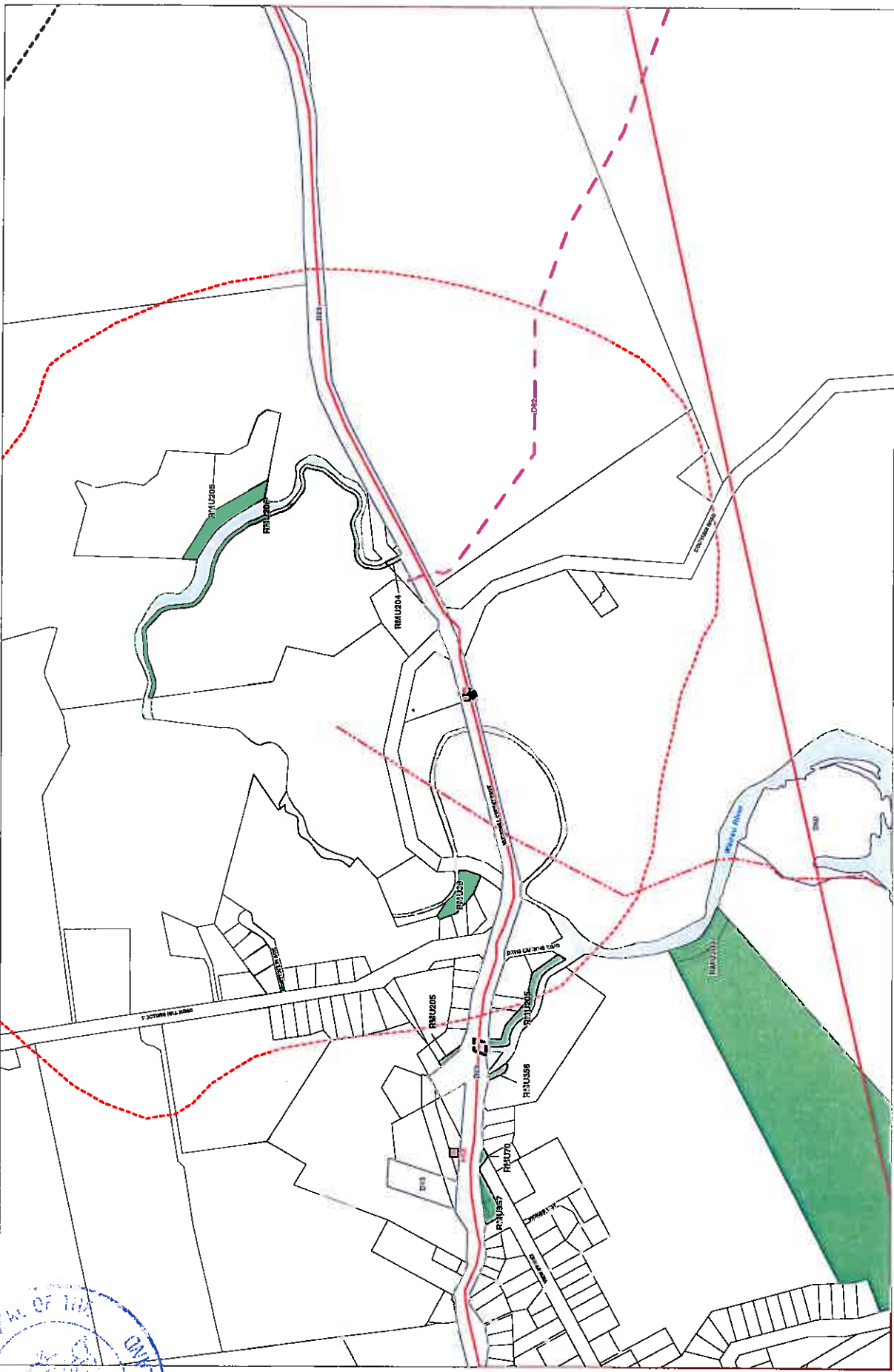
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**KAIAPARA
DISTRICT**
200 New Plymouth Way, Auckland 1014

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